

**KENAI HARBOR COMMISSION
REGULAR MEETING
MAY 6, 2024 - 6:00 P.M.
KENAI CITY HALL
210 FIDALGO AVE., KENAI, AK 99611
Telephonic/Virtual Information on Page 2
<http://www.kenai.city>**

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval

B. SCHEDULED PUBLIC COMMENTS *(Public comment limited to ten (10) minutes per speaker)*

C. UNSCHEDULED PUBLIC COMMENT *(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)*

D. APPROVAL OF MINUTES

1. February 12, 2024 **Pg. 3**

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. **Discussion/Recommendation** - Recommendation to Council on Enactment of Ordinance No. 3416-2024 - An Ordinance Repealing, Reenacting and Renaming Kenai Municipal Code Chapter 1.90 - Standard Procedures For Boards, Commissions and Committees, Enacting Chapter 1.95 - Standing Advisory Commissions, Repealing Chapters 11.10 - Harbor Commission, Chapter 19.05 Parks And Recreation Commission, Chapter 21.20 Airport Commission, Enacting Section 14.05.050 - Planning and Zoning Commission - Qualifications and Membership, and Approving Amendments to the Council on Aging Commission's By-Laws to Organize Streamline, and Improve the Efficiency of the City's Standing Commissions. (City Clerk)..... **Pg. 6**
2. **Discussion/Recommendation** - Recommendation to Council on Enactment of Ordinance No. 3417-2024 - An Ordinance Increasing Estimated Revenues and Appropriations by \$12,600 in the General Fund for the Purchase of Approximately 7.8 Acres of Real Property Described as Tract B, Kenai Bluff Stabilization Subdivision from David W. Salter to be Retained by the City for a Public Purpose and Determining that the Public Interest will not be Served by an Appraisal. (Administration)..... **Pg. 49**

G. REPORTS

1. Public Works Director
2. Commission Chair
3. City Council Liaison..... **Pg. 55**

H. ADDITIONAL PUBLIC COMMENT

I. NEXT MEETING ATTENDANCE NOTIFICATION - June 10, 2024

J. COMMISSION QUESTIONS AND COMMENTS

K. ADJOURNMENT

L. INFORMATIONAL ITEMS

Registration is required to join the meeting remotely through Zoom. Please use the link below to register:

<https://us02web.zoom.us/meeting/register/tZUkce6gqTsjH9AprCFkjc7Qf5pztSKaxXWS>

**KENAI HARBOR COMMISSION – REGULAR MEETING
FEBRUARY 12, 2024 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR LISA GABRIEL, PRESIDING**

ACTION MINUTES

A. CALL TO ORDER

A Regular Meeting of the Harbor Commission was held on February 12, 2024, in the Kenai City Council Chambers, Kenai, AK. Chair Gabriel called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Chair Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Lisa Gabriel, Chair
David Peck
John Coston

Jeanne Reveal, Vice Chair
Matthew Moffis

A quorum was present.

Also in attendance were:

Scott Curtin, Public Works Director
Lisa List, Public Works Administrative Assistant
Victoria Askin, City Council Liaison
Terry Eubank, City Manager
Shellie Saner, City Clerk
Linda Mitchell, Planning Director

3. Agenda Approval

MOTION:

Commissioner Peck **MOVED** to approve the agenda as presented. Vice Chair Reveal **SECONDED** the motion.

VOTE: There being no objection; **SO ORDERED.**

B. SCHEDULED PUBLIC COMMENTS - None.

C. UNSCHEDULED PUBLIC COMMENTS - None.

D. APPROVAL OF MINUTES

1. November 6, 2023
2. January 8, 2024

MOTION:

Commissioner Peck **MOVED** to approve the November 6, 2023 and January 8, 2024 Harbor Commission minutes. Commissioner Reveal **SECONDED** the motion.

VOTE: There being no objection; **SO ORDERED.**

E. UNFINISHED BUSINESS – None.

F. NEW BUSINESS

1. **Discussion/Recommendation** - Recommending City Council Adoption of Proposed Amendments to KMC Chapter's 11.10 Harbor Commission and KMC 1.90 Standard Procedures for Boards, Commissions and Committees.

MOTION:

Commissioner Coston **MOVED** to recommend that the City Council adopt the proposed amendments to KMC Chapter 11.10 and Chapter 1.90 as provided in attachment A in the packet. Vice Chair Reveal **SECONDED** the motion.

City Manager Eubank and City Clerk Saner gave a staff report from information provided in the packet.

VOTE:

YEA: Gabriel, Reveal, Peck, Moffis, Coston

NAY: None

MOTION PASSED UNANIMOUSLY.

2. **Discussion/Recommendation** - Recommending City Council Enact Ordinance 3391-2024 - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use.

MOTION:

Vice Chair Reveal **MOVED** to recommend City Council enactment of Ordinance No. 3391-2024. Commissioner Peck **SECONDED** the motion.

Commissioner Moffis declared a possible conflict of interest, stating that he owns property in the area affected. Chair Gabriel ruled that there was a conflict, and recused Commissioner Moffis from deliberation and voting.

Commissioner Costin declared that he serves on both the Harbor Commission and Planning & Zoning Commission, but that his vote this evening would be in regards to how this item relates to his role as a member of the Harbor Commission.

Planning Director Mitchell gave a staff report from information provided in the packet.

VOTE:

YEA: Gabriel, Reveal, Peck, Moffis, Coston.

NAY: None.

MOTION PASSED UNANIMOUSLY.

3. **Discussion/Recommendation** - Recommending City Council Enact Ordinance 3392-2024 - Amending the Kenai Zoning Code to Add a New Zoning District, Working Waterfront (WW) and Amending the Official Zoning Map for Certain Parcels from Heavy Industrial (IH) to Working Waterfront (WW) or Conservation (C) Zoning District.

MOTION:

Commissioner Peck **MOVED** to recommend City Council enactment of Ordinance No. 3392-2024. Vice Chair Reveal **SECONDED** the motion.

Commissioner Moffis declared a possible conflict of interest, stating that he owns property in the area affected. Chair Gabriel ruled that there was a conflict, and recused Commissioner Moffis from deliberation and voting.

Commissioner Costin declared that he serves on both the Harbor Commission and Planning & Zoning Commission, but that his vote this evening would be in regards to how this item relates to his role as a member of the Harbor Commission.

Planning Director Mitchell gave a staff report from information provided in the packet.

UNANIMOUS CONSENT was requested on the motion.

VOTE: There being no objection; **SO ORDERED.**

G. REPORTS

1. Public Works Director – Director Curtin reported on the following:
 - The US Army Corps of Engineers has awarded a contract for the Kenai Bluff Bank Stabilization Project to Western Marine Construction Inc.
2. Commission Chair – Chair Gabriel thanked staff.
3. City Council Liaison – Council Member Askin reported on recent City Council actions.

H. ADDITIONAL PUBLIC COMMENTS – None.

I. NEXT MEETING ATTENDANCE NOTIFICATION – March 11, 2024

J. COMMISSION QUESTIONS AND COMMENTS

Commissioner Coston thanked staff for the proposed code modifications.

Commissioner Peck thanked staff for the presentations.

Commissioner Moffis thanked staff.

K. ADJOURNMENT

L. INFORMATIONAL ITEMS – None.

There being no further business before the Harbor Commission, the meeting was adjourned at 6:18 p.m.

I certify the above represents accurate minutes of the Harbor Commission meeting of February 12, 2024.

Meghan Thibodeau
Deputy City Clerk



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Chair Gabriel and Harbor Commission Members
FROM: Shellie Saner, City Clerk
DATE: April 24, 2024
SUBJECT: **Discussion/Recommendation** - Recommendation to Council on Enactment of Ordinance No. 3416-2024.

On January 8, 2024 City Manager Eubank, City Attorney Bloom and I met with your Commission in a work session to discuss possible code changes to KMC 11.10 - Harbor Commission and KMC Chapter 1.90 - Standard Procedures for Boards, Commissions and Committees. The code changes discussed with your Commission were drafted and brought back for the Commissions consideration and recommendation during the February 12, 2024 meeting. The Commission unanimously recommended Council enact the proposed amendments to both KMC 11.10 and KMC 1.90.

This item is being brought back for recommendation because there have been substantial structural and organization changes since the Commission's original recommendations. These changes were made based on similar meetings held with all advisory bodies of the City and the recommendations received indicated the need for more structural and organizational amendments to code.

Portions of the proposed Ordinance effecting the Harbor Commission include a complete repeal, reenactment and renaming of Chapter 1.90 - Standard Procedures for Boards, Commissions and Committees to new Chapter 1.90 - General Standards for Standing Advisory Commissions; enactment of a new Chapter 1.95 - Standing Advisory Commissions; repeal of Chapter 11.10 - Harbor Commission; and enactment of a new section within the new Chapter 1.95, Section 1.95.040 - Harbor Commission.

During your February 1, 2024 meeting the Commission recommended amendments to 1.90.010 - Creation and to 1.90.020 - Duties, shown in **Attachment C**. The following outlines those recommendations and how they were included in the proposed ordinance:

Amendments as recommended by the Commission to Chapter 1.90 - Standard Procedures for Boards, Commissions and Committees:

- 1.90.010 - Creation: The recommendation was to amend the first sentence by adding the underlined words and deleting the [BRACKETED WORDS], as follows: "All boards, commissions and committees created by the Council of the City of Kenai, [SHALL] unless otherwise specified, will consist of seven [7] members who shall be nominated by the Mayor and confirmed by the City Council from applications submitted to the City Clerk"

This recommendation was included in a modified version within the new 1.90.020 - Members, Appointments and Qualifications as paragraphs (a) and (b).

- 1.90.020 - Duties: The recommendation was to amend the second sentence by adding the words shown in underlined, as follows: “They shall act in an advisory capacity to City Council and Administration unless otherwise specified in the City Code.”

This was included in a modified form within new 1.95.040 - Harbor Commission in various forms by changing terms throughout from “advise the Council” to “advise the Council and Administration”.

Amendments as recommended by the Commission to Chapter 11.10 - Harbor Commission:

The Harbor Commission recommended amendments to 11.10 - Harbor Commission, the new Ordinance proposes to repeal Chapter 11.10 completely; however, those recommendations have been included in the proposed new 1.95.040 - Harbor Commission. The following identifies additional changes since the Commission’s recommendations:

- Paragraphs (2) and (3) switched places. These paragraphs are included within the new 1.95.040 as paragraphs (b)(2)(3). The order of the paragraphs were changed to create a similar structure/outline for code on all Advisory Commissions.
- Paragraph (5) is included within the new 1.95.040 as paragraph (5), and was changed to include “and Administration” at the end of the sentence. This was done based on the Commission’s recommendation to 1.90.020 and to align with similar language in code for other Advisory Commissions.
- Paragraph (c) is a completely new. This new paragraph incorporates and modifies qualification requirements that are in 1.90.030 - Qualifications, which is proposed for repeal in the ordinance. The make up of all Advisory Commissions may not always have the same qualification requirements, for example the requirements for Airport Commission and Council on Aging are very different from the other Advisory Commissions. This move was done to allow qualification requirements to be applied based on the individual Advisory Commission and their role within the City.

Attachments:

- A - City Council Ordinance No. 3416-2024 and Memo.
- B - Draft Copy of Ordinance No. 3416-2024 with Comments.
- C - February 12, 2024 Harbor Commission Packet Item and Draft Minutes.





**CITY OF KENAI
ORDINANCE NO. 3416-2024**

AN ORDINANCE REPEALING, REENACTING AND RENAMING KENAI MUNICIPAL CODE CHAPTER 1.90 - STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES, ENACTING CHAPTER 1.95 - STANDING ADVISORY COMMISSIONS, REPEALING CHAPTERS 11.10 - HARBOR COMMISSION, CHAPTER 19.05 PARKS AND RECREATION COMMISSION, CHAPTER 21.20 AIRPORT COMMISSION, ENACTING SECTION 14.05.050 - PLANNING AND ZONING COMMISSION - QUALIFICATIONS AND MEMBERSHIP, AND APPROVING AMENDMENTS TO THE COUNCIL ON AGING COMMISSION'S BY-LAWS TO ORGANIZE STREAMLINE, AND IMPROVE THE EFFICIENCY OF THE CITY'S STANDING COMMISSIONS.

WHEREAS, the City's Standing Advisory Commissions are intended to advise the Council and Administration on specific issues based on their experience, expertise and information presented before the commissions; and,

WHEREAS, each Advisory Commission has a unique purpose adding value to the decision-making process carried out by the Council and Administration; and,

WHEREAS, establishing general standards applicable to all standing Advisory Commissions ensures consistency and efficiency in process; and,

WHEREAS, establishing a clear scope of work for each Advisory Commission provides direction to the commissions and ensures effective use of the volunteer commission members time; and,

WHEREAS, while current information on various commissions is spread throughout the Code, organizing the code to address the advisory commissions primarily in one place, improves public interface and transparency; and,

WHEREAS, a new code section is needed for the Planning and Zoning Commission to carry forward applicable code provisions to the Planning and Zoning Commission, which is unique from other City commissions by virtue of the Commission's non-advisory duties; and,

WHEREAS, the City Manager, City Attorney and City Clerk met with each advisory commission and committee in early 2024 to review and discuss current code provisions applicable to each body; and,

WHEREAS, recommended amendments from each commission or committee were drafted, presented and approved by each body; and,

WHEREAS, after further consideration of those recommendations, the Administration in an effort to streamline and improve efficiencies for Standing Commissions, reevaluated the process and recommend a complete rewrite and renaming of Chapter 1.90; and,

WHEREAS, the Airport Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Beautification Committee at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Council on Aging at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Council on Aging at their February 8, 2024 regular meeting recommended that the City Council approve amendments to the By-Laws of the Council on Aging as attached; and,

WHEREAS, the Harbor Commission at their _____, 2024 regular meeting recommended that the City Council _____this Ordinance; and,

WHEREAS, the Parks and Recreation Commission at their _____, 2024 regular meeting recommended that the City Council _____this Ordinance; and,

WHEREAS, the Planning and Zoning Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. Repeal, Reenact and Rename Chapter 1.90 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 1.90 Standards for Boards, Commissions and Committees is hereby repealed, reenacted and renamed as Chapter 1.90 General Standards for Standing Advisory Commissions, as follows:

[CHAPTER 1.90
STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES

SECTIONS:

- 1.90.010 CREATION.
- 1.90.020 DUTIES.
- 1.90.030 QUALIFICATIONS.
- 1.90.040 TERMS.
- 1.90.050 PROCEEDINGS.
- 1.90.060 SPECIFIC REQUIREMENTS OF BOARDS, COMMISSIONS AND COMMITTEES.

1.90.010 CREATION.

ALL BOARDS, COMMISSIONS AND COMMITTEES CREATED BY THE COUNCIL OF THE CITY OF KENAI, SHALL CONSIST OF SEVEN (7) MEMBERS WHO SHALL BE NOMINATED BY THE MAYOR AND CONFIRMED BY THE CITY COUNCIL FROM APPLICATIONS SUBMITTED TO THE CITY CLERK. A CHAIR AND VICE-CHAIR SHALL BE SELECTED ANNUALLY AND SHALL BE ELECTED FROM AND BY THE APPOINTED MEMBERS. AT THE ORGANIZATIONAL MEETING OF COUNCIL, OR AS SOON THEREAFTER AS PRACTICABLE, THE MAYOR, AFTER CONSULTATION WITH COUNCIL, SHALL NOMINATE COUNCIL MEMBERS AS A COUNCIL LIAISON TO ANY BOARD, COMMISSION OR COMMITTEE. AFTER CONFIRMATION BY COUNCIL, THE COUNCIL LIAISON MAY ATTEND ALL MEETINGS OF THE BOARD, COMMISSION OR COMMITTEE. A COUNCIL LIAISON IS NOT A MEMBER OF, AND SHALL HAVE NO VOTING POWER OR ANY OTHER RIGHTS OF MEMBERSHIP ON, THE BOARD, COMMISSION OR COMMITTEE. THE MAYOR AND OTHER COUNCIL MEMBERS MAY ATTEND MEETINGS OF BOARDS, COMMISSIONS OR COMMITTEES WHEN SERVING AS AN ALTERNATE FOR THE COUNCIL LIAISON, OR IN THEIR CAPACITY AS ELECTED OFFICIALS. CITY ADMINISTRATIVE STAFF SHALL ATTEND AND SUPPLY STAFF SUPPORT TO ALL MEETINGS OF BOARDS, COMMISSIONS AND COMMITTEES.

1.90.020 DUTIES.

- (A) MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES SHALL BE REQUIRED TO ESTABLISH POLICIES RELATING TO THEIR RESPECTIVE ORGANIZATION. THEY SHALL ACT IN AN ADVISORY CAPACITY TO CITY COUNCIL UNLESS OTHERWISE SPECIFIED IN THE CITY CODE.

- (B) IF THE BOARD, COMMISSION OR COMMITTEE HAS INCOME STATED WITHIN THE CITY OF KENAI ANNUAL BUDGET, SAID BOARD, COMMISSION OR COMMITTEE SHALL WORK WITH THE CITY MANAGER TO ESTABLISH EXPENSES PROJECTED FOR THE YEAR FOR APPROVAL BY THE CITY COUNCIL.

1.90.030 QUALIFICATIONS.

- (A) A MEMBER OF A BOARD, COMMISSION OR COMMITTEE MUST BE A RESIDENT OF THE CITY OF KENAI, UNLESS THE BOARD, COMMISSION OR COMMITTEE IS SPECIFICALLY EXEMPTED BY COUNCIL FROM THIS REQUIREMENT. THE MEMBER CANNOT BE AN OFFICER OR EMPLOYEE OF THE CITY OF KENAI. IF ANY MEMBER SHOULD MOVE HIS OR HER RESIDENCE FROM THE CORPORATE LIMITS OF THE CITY OF KENAI (IF APPLICABLE), IS AN OFFICER OR EMPLOYEE OF THE CITY OF KENAI, OR SHALL BE ELECTED OR APPOINTED AS AN OFFICER OR EMPLOYEE OF THE CITY OF KENAI, THE SERVICE OF SUCH MEMBER SHALL TERMINATE IMMEDIATELY. HE OR SHE SHOULD BE AWARE THAT HE OR SHE WILL SERVE WITHOUT SALARY, BUT WILL BE REIMBURSED FOR ALL REASONABLE EXPENSES INCURRED IN CONNECTION WITH THIS SERVICE, ONLY AFTER APPROVAL BY COUNCIL.
- (B) THE BEAUTIFICATION COMMITTEE, AND HARBOR, LIBRARY, AND PARKS AND RECREATION COMMISSIONS MAY AT THE DISCRETION OF THE COUNCIL HAVE UP TO TWO (2) NON-RESIDENT MEMBERS EACH.
- (C) THE PLANNING AND ZONING COMMISSION MAY HAVE UP TO ONE MEMBER THAT IS NOT A RESIDENT OF THE CITY IF THEY HAVE A CONTROLLING OWNERSHIP INTEREST IN A BUSINESS PHYSICALLY LOCATED IN THE CITY. THIS PROVISION SPECIFICALLY DOES NOT CREATE A DESIGNATED SEAT FOR A NON-RESIDENT.

1.90.040 TERMS.

- (A) A MEMBER OF A BOARD, COMMISSION OR COMMITTEE SHALL SERVE FOR A TERM OF THREE (3) YEARS, UNLESS THE BOARD, COMMISSION OR COMMITTEE IS SPECIFICALLY EXEMPTED BY COUNCIL FROM THIS REQUIREMENT. AT RENEWAL DATE, THE MAYOR, WITH CONSENT OF THE COUNCIL, CAN REAPPOINT THE MEMBER OR RECOMMEND A REPLACEMENT.
- (B) THE TERMS OF THE INITIAL BOARD, COMMISSION OR COMMITTEE MEMBER SHALL BE STAGGERED SO THAT THREE (3) MEMBERS WILL BE APPOINTED FOR ONE (1) YEAR; TWO (2) MEMBERS WILL BE APPOINTED FOR TWO (2) YEARS; AND TWO (2) MEMBERS WILL BE APPOINTED FOR THREE (3) YEARS. TERMS SHALL COMMENCE ON JANUARY 1ST OF EACH YEAR.

1.90.050 PROCEEDINGS.

- (A) ALL BOARDS, COMMISSIONS AND COMMITTEES WILL HAVE REGULARLY SCHEDULED MEETINGS WHICH SHALL BE OPEN TO THE PUBLIC. EXCEPTIONS TO THE MEETING REQUIREMENTS SHALL BE ESTABLISHED BY COUNCIL. PERMANENT RECORDS OR MINUTES SHALL BE KEPT OF ALL PROCEEDINGS AND SUCH MINUTES SHALL RECORD THE VOTE OF EACH MEMBER UPON EVERY QUESTION. EVERY DECISION OR FINDING SHALL IMMEDIATELY BE FILED IN THE OFFICE OF THE CITY CLERK AND SHALL BE A PUBLIC RECORD OPEN TO INSPECTION BY ANY PERSON. ALL ACTS OF BOARDS, COMMISSIONS AND COMMITTEES ARE SUBJECT TO THE PARAMOUNT AUTHORITY OF THE CITY COUNCIL.
- (B) IF THE COMMISSION, COMMITTEE OR BOARD MEMBER SHALL BE ABSENT, WITHOUT THE BODY EXCUSING THE ABSENCE FOR GOOD CAUSE, FROM MORE THAN ONE-HALF OF ALL THE MEETINGS OF HIS OR HER COMMITTEE, COMMISSION OR BOARD, REGULAR AND SPECIAL, HELD WITHIN ANY PERIOD OF THREE (3) CONSECUTIVE CALENDAR MONTHS, HE OR SHE SHALL THEREUPON CEASE TO HOLD THE SEAT. A COMMISSION, COMMITTEE OR BOARD MEMBER MAY NOT HAVE MORE THAN THREE (3) EXCUSED ABSENCES DURING A TWELVE (12) MONTH CALENDAR YEAR.
- (C) IN ALL MATTERS OF PARLIAMENTARY PROCEDURE, THE MOST CURRENT EDITION OF ROBERT'S RULES OF ORDER NEWLY REVISED SHALL BE APPLICABLE AND GOVERN ALL MEETINGS, UNLESS AS SPECIFIED IN KMC 1.15.060, MOTIONS; KMC 1.15.100, SPEAKING; AND KMC 1.15.110, VOTING.

- (D) THE RESPONSIBILITY OF INSURING THAT ALL MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES RECEIVE A COPY OF THE STANDARD PROCEDURES OF BOARDS, COMMISSIONS AND COMMITTEES LIES WITH THE CITY CLERK.

1.90.060 SPECIFIC REQUIREMENTS OF BOARDS, COMMISSIONS AND COMMITTEES.

REQUIREMENTS OF BOARDS, COMMISSIONS AND COMMITTEES AS SET FORTH IN KMC 1.90 ARE GENERAL REQUIREMENTS AND SHALL BE FOLLOWED TO THE EXTENT THAT THEY DO NOT CONFLICT WITH SPECIFIC REQUIREMENTS FOUND IN CODE SECTIONS SPECIFICALLY PERTAINING TO INDIVIDUAL BOARDS, COMMISSIONS AND COMMITTEES.]

Chapter 1.90
General Standards for Standing Advisory Commissions.

Sections:

- 1.90.010 Creation.
- 1.90.020 Members, Appointments and Qualifications.
- 1.90.030 Terms.
- 1.90.040 Attendance.
- 1.90.050 Proceedings.
- 1.90.060 Liaisons.
- 1.90.070 Specific Requirements of Standing Advisory Commissions.

1.90.010 Creation.

- (a) Standing Advisory Commissions of the City may be created or dissolved by an ordinance of the City Council. The following Standing Advisory Commissions have been created by the Council:
 - (1) Airport Commission, as established in KMC 1.95.010;
 - (2) Beautification Commission, as established in KMC 1.95.020;
 - (3) Council on Aging Commission, as established in KMC 1.95.030;
 - (4) Harbor Commission, as established in KMC 1.95.040;
 - (5) Parks and Recreation Commission, as established in KMC 1.95.050;
- (b) Standing Advisory Commissions are created to advise the Council and Administration as requested and codified. Decisions of Standing Advisory Commissions may be considered by the Council and Administration, but standing advisory commissions may not direct Council or Administration.
- (c) This Chapter does not apply to the Planning and Zoning Commission which is not solely advisory to the Council and Administration.

1.90.020 Members, Appointments and Qualifications.

- (a) Unless otherwise specified standing advisory commissions will consist of seven members.
- (b) Commission members will be nominated by the Mayor and confirmed by the Council from applications submitted to the Clerk.
- (c) Members must be residents of the City unless otherwise specified and may not be an officer or employee of the City. If any member who is required to reside in the City, moves their residence outside of City limits, or if any member is elected or appointed as an officer or employee of the City, the term of such member will terminate immediately.

- (d) Members will serve without salary, but may be reimbursed for reasonable expenses incurred in connection with the service, only after approval by the Council.
- (e) After completion of a full or partial term, the Mayor with confirmation of the Council may reappoint the member or recommend a replacement.

1.90.030 Terms.

- (a) Terms of appointment will be for three-years beginning January 1st and ending December 31st, unless the commission is exempted by the Council from this requirement.
- (b) When an appointment is to fill a vacancy created prior to the end of a term, the appointment will be for the remainder of that term.
- (c) When appointments are first made to a newly established commission, the first appointments will be to staggered terms, so that three members will be appointed for one year; two members will be appointed for two years; and two members will be appointed for three years.

1.90.040 Attendance.

If a member is absent, without the body excusing the absence for good cause from more than one-half of all the regular or special meetings held within any period of three consecutive calendar months, the member will thereupon cease to hold the seat. A commission member may not have more than three excused absences during a twelve-month calendar year.

1.90.050 Proceedings.

- (a) Standing Advisory Commissions will have regularly scheduled meetings which will be open to the public. Annual meeting schedules, meeting cancellations or holding special meetings will conform to policy set by the City Council.
- (b) A chair and vice-chair will be elected annually from and by the appointed members.
- (c) The most current edition of Robert's Rules of Order Newly Revised will govern all meetings, unless otherwise specified in KMC 1.15.060 motions; KMC 1.15.100 speaking; and KMC 1.15.110 voting.
- (d) Permanent record or minutes will be kept for regular and special meetings, and such minutes will record the vote of each member upon every question.
- (e) Every decision or finding will be filed in the office of the Clerk and will be a public record open to inspection by any person.
- (f) The Clerk is responsible for ensuring that all members of commissions are provided a copy of this chapter.

1.90.060 Liaison.

- (a) Council Liaison. At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, will nominate Council Members as a council liaison to Standing Advisory Commissions. The following applies to Council Liaisons:
 - (1) After confirmation by Council, the Council Liaison may attend all meetings of the commission.
 - (2) The Council Liaison is a non-voting member and may not participate in the debate of the commission.
 - (3) Any Council Member may attend meetings or work sessions when serving as an alternate for the Council Liaison, or in their capacity as elected officials.

- (4) Other Council Members may attend a meeting or work session of a commission; however, no more than three Council Members may attend any one meeting without additional public notice.
- (b) Staff Liaison. City administrative staff will attend and supply staff support to all meetings of the commissions of the City.

1.90.070 Specific Requirements of Standing Advisory Commissions.

Requirements of this chapter are general requirements and will be followed to the extent that they do not conflict with specific requirements found in code sections specifically pertaining to individual standing commissions.

Section 2. Enactment of Chapter 1.95 of Kenai Municipal Code: That Kenai Municipal Code, Section 1.95 Boards, Commissions and Committees is hereby enacted as follows:

Chapter 1.95
Standing Advisory Commissions.

Sections:

- 1.95.010 Airport Commission.
- 1.95.020 Beautification Committee.
- 1.95.030 Council on Aging Commission.
- 1.95.040 Harbor Commission.
- 1.95.050 Parks and Recreation Commission.

1.95.010 Airport Commission.

- (a) Purpose. The purpose of the Airport Commission is to advise the Council and Administration on issues involving the Airport and lands held for the benefit of the Airport.
- (b) Duties and Powers. The Airport Commission will:
 - (1) Review and provide recommendations on the master plan for the airport development. This may include:
 - (i) Development of type, location and sequence of all airport terminal facilities; and,
 - (ii) Development and use of all airport lands.
 - (2) Act in an advisory capacity to the Council and the Administration on matters affecting the airport.
 - (3) Make recommendations to the City Manager on the airport budget.
 - (4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year.
 - (5) Provide information and recommendations as requested by the City Council and Administration.
- (c) Qualifications. Members of the Airport Commission will conform to the requirements as established by KMC 1.90, except that members of the Airport Commission need not be a resident of the City of Kenai.
- (d) Membership. The Commission will be comprised of seven members who will be chosen so as to represent broadly the following areas:

- (1) One member, fixed base operator (FBO); and,
- (2) One member, lessee of airport aeronautical lands or terminal facility; and,
- (3) One member, with expertise in Federal Aviation administration functions; and,
- (4) One member, representing the Civil Air Patrol; and,
- (5) Three members, at-large, representing the business and professional community.

1.95.020 Beautification Commission.

- (a) Purpose. The purpose of the Beautification Commission is to advise the Council and Administration on enhancing the appearance of the City.
- (b) Duties and Powers. The Beautification Commission will:
 - (1) Advise Administration on seasonal displays and decorations promoted by the City; and,
 - (2) Advise Administration on selection of annual plantings of flora to be displayed in the City; and,
 - (3) Advise Council and Administration on City beautification issues and/or projects as requested by the Council or Administration; and,
 - (4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year.
- (c) Qualifications and Membership. Members of the Beautification Commission will conform to the requirements of KMC 1.90, except the commission may at the discretion of the Council have up to two non-resident members.

1.95.030 Council on Aging Commission.

- (a) Purpose. The purpose of the Council on Aging Commission is to advise the Council and Administration on issues involving the Kenai Senior Center and senior citizen programs supported by the City.
- (b) Duties and Powers. The Council on Aging Commission will:
 - (1) Review and provide recommendations on any master plans for senior citizen services provided by the City. This may include:
 - (i) City owned facilities providing senior citizen services; and,
 - (ii) Development and use of the Senior Center or other facilities owned or managed by the City for the provision of services for senior citizens, excluding Vintage Pointe-Independent Senior Housing.
 - (2) Act in an advisory capacity to the Council and the Administration on matters affecting the Senior Center and senior citizen services provided by the City; and,
 - (3) Make recommendations to the City Manager on the budget for the City's Senior Center; and,
 - (4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year; and,

- (5) Provide information and recommendations as requested by the City Council and Administration.
- (c) Qualifications and Membership. Members of the Council on Aging Commission will conform to the requirements as established by KMC 1.90, except that members need only to reside on the Kenai Peninsula and 51% of whom must be 55 years or older. The Commission shall be comprised of not more than nine members who will be chosen based on their interest in challenges and opportunities for local senior citizens.
- (d) Bylaws. The Council on Aging Commission may have its own bylaws approved by the City Council that provide guidance and direction for the Council on Aging Commission to the extent that they do not conflict with the City's Code of Ordinances. If a conflict should arise between the bylaws and City's Code of Ordinances, City Code will control.

1.95.040 Harbor Commission.

- (a) Purpose. The purpose of the Harbor Commission is to advise the Council and Administration on issues involving City harbor facilities and tidal or submerged lands owned by the City.
- (b) Duties and Powers. The Harbor Commission will:
 - (1) Review and provide recommendations on any master plans for the development of harbor or port facilities for the City. This may include:
 - (i) Development of the type, location, and sequence of all public harbor facilities; and,
 - (ii) The relocation, removal, extension, or change of use of existing harbor facilities.
 - (2) Act in an advisory capacity to the Council and Administration regarding matters related to City harbor facilities, tide or submerged lands. Make recommendations to the Council and Administration relative to the care, control, and development of tide and submerged lands; and,
 - (3) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for constructed in which year; and,
 - (4) Review all City leases of City-owned tide and submerged lands and make recommendations to the City Council and Administration; and,
 - (5) Provide information and recommendations as requested by the City Council and Administration; and,
 - (6) Advise and provide recommendations to the Administration as requested on the qualifications for a Harbor Master.
- (c) Qualifications and Membership. Members of the Harbor Commission will conform to the requirements of KMC 1.90, except the commission may at the discretion of the Council have up to two non-resident members.

1.95.050 Parks and Recreation Commission.

- (a) Purpose. The purpose of the Parks and Recreation Commission is to advise the Council and Administration on issues involving the City's parks and recreational facilities.
- (b) Duties and Powers. The Parks and Recreation Commission will:
 - (1) Review and provide recommendations on any master plans for the physical development of recreation facilities for the City. Such master plans with accompanying maps, plats, charts,

descriptive, and explanatory matter, may show the Commission's recommendations for the development of the City's recreation facilities including:

- (i) Development of the type, location, and sequence of all public recreation facilities; and,
- (ii) The relocation, removal, extension, or change of use of existing recreation facilities.
- (2) Advise the Council and Administration on concerns and recommendations regarding parks and recreational facilities within the City including recommendations for consideration by the Administration in the development of the Parks and Recreation Department's annual budget; and,
- (3) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year; and,
- (4) Provide information and recommendations as requested by the City Council and Administration; and,
- (5) Advise and provide recommendations to the Administration as requested on the qualifications for a Director of Parks and Recreation.
- (c) Qualifications and Membership. Members of the Parks and Recreation Commission will conform to the requirements of KMC 1.90, except the commission may at the discretion of the Council have up to two non-resident members.

Section 3. Repeal of Chapter 11.10 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 11.10 Harbor Commission is hereby repealed as follows:

[CHAPTER 11.10
HARBOR COMMISSION

11.10.010 DUTIES AND POWERS.

- (A) THE HARBOR COMMISSION SHALL BE REQUIRED TO DO THE FOLLOWING:
 - (1) DEVELOP, ADOPT, ALTER, OR REVISE, SUBJECT TO APPROVAL BY THE CITY COUNCIL, A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF HARBOR OR PORT FACILITIES FOR THE CITY. SUCH MASTER PLAN WITH ACCOMPANYING MAPS, PLATS, CHARTS, DESCRIPTIVE, AND EXPLANATORY MATTER, SHALL SHOW THE HARBOR COMMISSION'S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE CITY HARBOR FACILITIES MAY INCLUDE, AMONG OTHER THINGS:
 - (i) DEVELOPMENT OF THE TYPE, LOCATION, AND SEQUENCE OF ALL PUBLIC HARBOR FACILITIES;
 - (ii) THE RELOCATION, REMOVAL, EXTENSION, OR CHANGE OF USE OF EXISTING HARBOR FACILITIES;
 - (2) SUBMIT ANNUALLY TO THE CITY MANAGER AND COUNCIL, NOT LESS THAN NINETY (90) DAYS PRIOR TO THE BEGINNING OF THE BUDGET YEAR, A LIST OF THE RECOMMENDED CAPITAL IMPROVEMENTS WHICH, IN THE OPINION OF THE COMMISSION, ARE NECESSARY OR DESIRABLE TO BE CONSTRUCTED DURING THE FORTHCOMING THREE (3) YEAR PERIOD. SUCH LIST SHALL BE ARRANGED IN ORDER OF PREFERENCE, WITH RECOMMENDATIONS AS TO WHICH PROJECTS SHALL BE CONSTRUCTED IN WHICH YEAR.
 - (3) MAKE INVESTIGATIONS REGARDING ANY MATTER RELATED TO CITY HARBOR FACILITIES, TIDE OR SUBMERGED LANDS. MAKE RECOMMENDATIONS TO THE COUNCIL RELATIVE TO THE CARE, CONTROL, AND DEVELOPMENT OF TIDE AND SUBMERGED LANDS.

- (4) REVIEW ALL CITY LEASES OF CITY-OWNED TIDE, SUBMERGED, AND LANDS OR NAVIGABLE WATERS WITHIN THE CITY, AND AS TO THE PLANNED IMPROVEMENTS PROPOSED AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL.
- (5) MAKE AND PREPARE REPORTS AND PLANS FOR APPROVAL BY THE CITY COUNCIL.
- (6) COORDINATE PUBLIC EFFORTS, INDIVIDUAL AND GROUP, TO THE EFFECTUATION OF APPROVED PLANS.
- (7) SHALL ACT IN ADVISORY CAPACITY IN THE SELECTION OF A HARBOR MASTER SHOULD SUCH A POSITION BE CREATED BY THE CITY COUNCIL.]

Section 4. Enactment of Section 14.05.050 of Kenai Municipal Code: That Kenai Municipal Code, Section 14.05.050 - Membership, Qualifications and Proceedings, is hereby enacted as follows:

14.05.050 - Membership Qualifications and Procedures.

- (a) The Planning and Zoning Commission will consist of seven members, who will be nominated by the Mayor and confirmed by the City Council in accordance with KMC 14.05.015, and the following:
 - (1) Members must be a resident of the City of Kenai, except the commission may have up to one member that is not a resident of the City if that member has a controlling ownership interest in a business physically located in the City. This provision specifically does not create a designated seat for a non-resident.
 - (2) Members may not be an officer or employee of the City.
 - (3) If a member who is required to reside in the City, moves their residence outside of City limits, or if a member who is required to have a controlling ownership interest in a business physically located in the City, relinquishes their controlling ownership interest of the business physically located in the City, or if a member is elected or appointed as an officer or employee of the City, the term of such member will terminate immediately.
 - (4) After completion of a partial term, the Mayor with confirmation of the Council may reappoint the member or recommend a replacement in accordance with KMC 14.05.015.
 - (5) If a member is absent, without the body excusing the absence for good cause from more than one-half of all the regular or special meetings held within any period of three consecutive calendar months, the member will thereupon cease to hold the seat. A commission member may not have more than three excused absences during a twelve-month calendar year.
- (b) The Commission will have regularly scheduled meetings which will be open to the public. Procedures and preceding of the commission will include, but are not limited to the following:
 - (1) Annual meeting schedules, meeting cancellations or holding special meetings will conform to policy set by the City Council.
 - (2) A chair and vice-chair will be elected annually from and by the appointed members.
 - (3) The most current edition of Robert's Rules of Order Newly Revised will govern all meetings, unless otherwise specified in KMC 1.15.060 motions; KMC 1.15.100 speaking; and KMC 1.15.110 voting.
 - (4) Permanent record or minutes will be kept for regular and special meetings, and such minutes will record the vote of each member upon every question.
 - (5) Every decision or finding will be filed in the office of the Clerk and will be a public record open to inspection by any person.

(6) The Clerk is responsible for ensuring that all members of commissions are provided a copy of this section.

(c) At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, will nominate a Council Members as Council Liaison to the Planning and Zoning Commission. The following applies to the Council Liaisons:

(1) After confirmation by Council, the Council Liaison may attend all meetings of the commission.

(2) The council liaison is a non-voting member and may not participate in the debate of the commission.

(3) Any Council Member may attend meetings or work sessions when serving as an alternate for the council liaison, or in their capacity as elected officials.

(4) Other Council Members may attend a meeting or work session of the commission; however, no more than three Council Members may attend any one meeting without additional public notice.

(d) City administrative staff will attend and supply staff support to all meetings of the commission.

Section 5. Repeal of Chapter 19.05 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 19.05 Parks and Recreation Commission is hereby repealed as follows:

[CHAPTER 19.05
PARKS AND RECREATION COMMISSION

SECTIONS:

- 19.05.010 CREATION.
- 19.05.020 DUTIES AND POWERS.
- 19.05.030 TERMS AND APPOINTMENTS TO VACANCIES.
- 19.05.040 QUALIFICATIONS OF COMMISSION MEMBERS.
- 19.05.050 PROCEEDINGS OF COMMISSION.

19.05.010 CREATION. (ORD. 416, REPEALED ORD. 1161)

19.05.020 DUTIES AND POWERS.

THE COMMISSION SHALL BE REQUIRED TO DO THE FOLLOWING:

(A) DEVELOP, ADOPT, ALTER, OR REVISE SUBJECT TO APPROVAL BY THE CITY COUNCIL, A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF RECREATION FACILITIES FOR THE CITY. SUCH MASTER PLAN WITH ACCOMPANYING MAPS, PLATS, CHARTS, DESCRIPTIVE, AND EXPLANATORY MATTER, SHALL SHOW THE COMMISSION’S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE CITY’S RECREATION FACILITY MAY INCLUDE, AMONG OTHER THINGS:

- (1) DEVELOPMENT OF THE TYPE, LOCATION, AND SEQUENCE OF ALL PUBLIC RECREATION FACILITIES;
AND
- (2) THE RELOCATION, REMOVAL, EXTENSION, OR CHANGE OF USE OF EXISTING RECREATION FACILITIES.

(B) SUBMIT ANNUALLY TO THE CITY MANAGER AND COUNCIL, NOT LESS THAN NINETY (90) DAYS PRIOR TO THE BEGINNING OF THE BUDGET YEAR, A LIST OF RECOMMENDED CAPITAL IMPROVEMENTS, WHICH IN THE OPINION OF THE COMMISSION, ARE NECESSARY OR DESIRABLE TO BE CONSTRUCTED DURING THE FORTHCOMING THREE (3) YEAR PERIOD. SUCH LIST SHALL BE ARRANGED IN ORDER OF PREFERENCE, WITH RECOMMENDATIONS AS TO WHICH PROJECTS SHALL BE CONSTRUCTED IN WHICH YEAR.

(C) MAKE INVESTIGATIONS REGARDING ANY MATTER RELATED TO CITY RECREATION.

(D) MAKE AND PREPARE REPORTS AND PLANS FOR APPROVAL BY THE CITY COUNCIL.

(E) SHALL ACT IN ADVISORY CAPACITY IN THE SELECTION OF A DIRECTOR OF PARKS AND RECREATION.

19.05.030 TERMS AND APPOINTMENTS TO VACANCIES. (ORDS. 416, 430, REPEALED ORD. 1161)

19.05.040 QUALIFICATIONS OF COMMISSION MEMBERS. (ORDS. 416, 619, REPEALED ORD. 1161)

19.05.050 PROCEEDINGS OF COMMISSION. (ORD. 416, REPEALED ORD. 1161)]

Section 6. Repeal of Chapter 21.20 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 21.20 Airport Commission is hereby repealed as follows:

**[21.20
AIRPORT COMMISSION**

SECTIONS:

- 21.20.010 DUTIES AND POWERS.
- 21.20.020 QUALIFICATIONS.
- 21.20.030 MEMBERSHIP.

21.20.010 DUTIES AND POWERS.

THE COMMISSION SHALL:

- (A) DEVELOP, ADOPT, ALTER OR REVISE, SUBJECT TO APPROVAL BY THE CITY COUNCIL, A MASTER PLAN FOR THE AIRPORT DEVELOPMENT. THIS MAY INCLUDE:
 - (1) DEVELOPMENT OF TYPE, LOCATION AND SEQUENCE OF ALL AIRPORT TERMINAL FACILITIES;
 - (2) DEVELOPMENT AND USE OF ALL AIRPORT AERONAUTICAL LANDS.
- (B) OBSERVE, OVERSEE AND GUIDE IN AN ADVISORY CAPACITY, ANY MATTERS RELATING TO USE OF AIRPORT RUNWAYS, AIRPORT TERMINAL, AND AIRPORT AERONAUTICAL LANDS.
- (C) ACT IN AN ADVISORY CAPACITY TO THE COUNCIL AND THE AIRPORT MANAGER.
- (D) MAKE RECOMMENDATIONS TO THE CITY MANAGER ON THE AIRPORT BUDGET.

21.20.020 QUALIFICATIONS.

MEMBERS OF THE AIRPORT COMMISSION WILL CONFORM TO THE REQUIREMENTS OF THE CITY OF KENAI BOARDS, COMMISSIONS, AND COMMITTEES STANDARD PROCEDURES AS ESTABLISHED BY KMC 1.90, EXCEPT THAT MEMBERS OF THE AIRPORT COMMISSION NEED NOT BE RESIDENTS OF THE CITY OF KENAI.

21.20.030 MEMBERSHIP.

THE COMMISSION SHALL COMPRISE OF SEVEN (7) MEMBERS WHO SHALL BE CHOSEN SO AS TO REPRESENT BROADLY THE FOLLOWING AREAS:

- (A) ONE MEMBER, FIXED BASE OPERATOR (FBO).
- (B) ONE MEMBER, LESSEE OF AIRPORT AERONAUTICAL LANDS OR TERMINAL FACILITY.
- (C) ONE MEMBER, WITH EXPERTISE IN FEDERAL AVIATION ADMINISTRATION FUNCTIONS.
- (D) ONE MEMBER, REPRESENTING THE CIVIL AIR PATROL.
- (E) THREE MEMBERS, AT-LARGE, REPRESENTING THE BUSINESS AND PROFESSIONAL COMMUNITY.
- (F) ONE NON-VOTING MEMBER, REPRESENTING AD HOC MEMBER OF THE KENAI CITY COUNCIL.]

Section 7. That the Council on Aging Commission By-Laws as amended and attached as Attachment E are hereby approved.

Section 8. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 9. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15th DAY OF MAY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced: May 1, 2024
Enacted: May 15, 2024
Effective: June 14, 2024



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Shellie Saner, City Clerk
DATE: April 19, 2024
SUBJECT: Repealing, Reenacting, Enacting and Amending Sections of Kenai Municipal Code related to Boards, Commissions and Committees

The proposed Ordinance would change the Beautification Committee to a Commission; the Council on Aging to the Council on Aging Commission and codify for the first time both the Beautification Commission and Council on Aging Commission. It will enact a new section of code for the Planning and Zoning commission which incorporates sections of the current 1.90 that are applicable to the Planning and Zoning Commission, and also organize and standardize sections of code for the City of Kenai Advisory Commissions.

It is recommended that the ordinance be introduced, scheduled for public hearing and referred to the Parks & Recreation Commission May 2, 2024 meeting; the Harbor Commission May 6, 2024 meeting; the Planning and Zoning Commission May 8, 2024 meeting; the Council on Aging May 9, 2024 meeting; the Airport Commission May 9, 2024 meeting; and the Beautification Committee May 14, 2024 meeting.

The proposed Ordinance as attached takes current information located in multiple sections of code and relocates them into one location specific to Advisory Commissions. Providing and clarifying general standards will ensure consistency and efficiency in process as well as improve interface with the public and commission member. The following is a section analysis identifying changes as proposed within the ordinance.

Section 1. Proposes to repeal current Chapter 1.90 - Standard Procedures for Boards, Commissions and Committees and replace it with a new Chapter 1.90 - General Standards for Standing Advisory Commissions.

Repealed Chapter 1.90 Standard Procedures for Boards, Commissions and Committees

Section Repealed - 1.90.010 Creation: The existing paragraph is being broken out as three separate section topics in the new proposed code.

- The first sentence of the paragraph related to the makeup of commission and appointment of members was relocated to the new Advisory Commission code as 1.90.020(a - b); and also, in the new P&Z Commission code as 14.05.050(a), it was modified in the P&Z code to refer to KMC 14.05.015, which is specific to the appointment procedures for P&Z Commissioners.
- The second sentence related to commission procedures, selection of a chair and vice chair was relocated to the new Advisory Commission code as 1.90.050(b); and in the new P&Z Commission code as 14.05.050(b)(2).

- The third through sixth sentences were related to the selection and appointment of Council Liaisons to Commissions. The new language was modified to align with the adopted Council Policy 20.020 - Commissions Committees and COA Procedures. The new language is included the new Advisory Commission code as Section 1.90.060(a)(1-3), paragraph (a)(4) is from Policy 20.020; and in the new P&Z Commission code as 14.05.050(c)(1-3), paragraph (c)(4) is from Policy 20.020.
- The seventh sentence regarding administrative staff was relocated to the new Advisory Commission code as 1.90.060(b), and in the new P&Z Commission code as 14.05.050(d).

Section Repealed - 1.90.020 Duties: Both paragraphs of this section were omitted from the proposed new 1.90 code; however, the proposed new Chapter 1.95 - Standing Advisory Commissions has a section for each Standing Advisory Commission, the new sections were drafted to align with the recommendations of the commissions in the meetings held earlier this year and include subsections related to duties. Additional details regarding changes to commission duties will be identified within this memo under the analysis of Section 2.

Additional Notes: The Airport Commission at their March 14, 2024 meeting, the Beautification Committee at their February 13, 2024 meeting, the Council on Aging at their February 8, 2024 meeting, the Harbor Commission at their February 12, 2024 meeting, and the Parks and Recreation Commission at their February 1, 2024 meeting recommended the last sentence of paragraph (a) in 1.90.020 Duties read, “They shall act in an advisory capacity to the City Council and administration unless otherwise specified in City Code”

Duties were removed from 1.90; however, a modified version of duties with the recommendation of the commissions were included in Airport Commission 1.95.010(b)(2); Beautification Commission 1.95.020(b)(3); Council on Aging Commission 1.95.030(b)(2); Harbor Commission 1.95.040(a),(b)(2); and Parks and Recreation Commission 1.95.050(b)(2).

Section Repealed - 1.90.030 Qualifications:

- Paragraph (A), the first three sentences address eligibility requirements pertaining to residency and employees. These requirements were relocated to the new Advisory Commission code as 1.90.020(c), and the new P&Z Commission code as 14.05.050(a)(1-3).
- Paragraph (A), last sentence was related to salary and expenses, it was included in the new Advisory Commission code as 1.90.020(d); and it was omitted from the new P&Z Commission code as P&Z commissioners do receive a stipend.
- Paragraph (B) identifies that the Beautification Committee, Harbor, Library and Parks and Recreation Commission may have up to 2 non-resident members each. This language was included in the proposed new Chapter 1.95 applicable to each commission, except the Library commission which was sunset in 2015, and the Airport Commission and COA as they have different requirements.
- Paragraph (C) allowed the P&Z Commission to have one member that was not a resident if that member had a controlling interest in a business within the City, those provisions were included in the new P&Z Commission code in 14.05.050(a)(1&3).

Section Repealed - 1.90.040 Terms:

- Paragraph (A), the first sentence established three-year terms unless exempted by Council, this language was included in the new Advisory Commission code as 1.90.030(a), and the new language was expanded to codify that regular terms start on January 1 and end on December 31; and,

This language already existing P&Z Commission code 14.05.015(d).

- Paragraph (A), second sentence regarding reappointment was included in the new Advisory Commission code as 1.90.020(e); and also included in the new P&Z Commission code as



14.05.050(a)(4) and the new language refers to the existing KMC 14.05.015 relate to P&Z Commissioner appointments.

- Paragraph (B), this language addresses establishing new commissions with staggered terms, it was included in the new Advisory Commission code as 1.90.030(c). It was not included in the P&Z Commission code; this language would be applicable when forming new commissions and is not needed for an existing commission.

Section Repealed - 1.90.050 Proceedings:

- Paragraph (A), first sentence regarding regular meeting schedules was included in the new Advisory Commission code as 1.90.050(a), the language was modified to reflect Council Policy 20.020. The modified language was also included in the new P&Z Commission code 14.05.050(b)(1).
- Paragraph (A), second and third sentences regarding permanent records, minutes and decisions, were included in the new Advisory Commission code as 1.90.050(d-e); and in the new P&Z Commission code as 14.05.050(b)(4-5).
- Paragraph (A), fourth sentence regarding the paramount authority of the Council was omitted from the Advisory Commission code; however, new language establishing the advisory nature of Commissions was included in the new Advisory Commission code as 1.90.010(b). This language was not included in the P&Z Commission code, although the P&Z Commission are advisory on some subjects they do have decision making authority.
- Paragraph (B), regarding Commissioner attendance, was included in the new Advisory Commission code as 1.90.040, and in the new P&Z Commission code as 14.05.050(a)(5).
- Paragraph (C), regarding parliamentary procedure was included in the new Advisory Commission code as 1.90.050(c), and in the new P&Z Commission code as 14.05.050(b)(3).
- Paragraph (D), ensuring all members are provided a copy of the chapter was included in the new Advisory Commission code as 1.90.050(f), and in the new P&Z Commission code as 14.05.050(b)(6).

Section Repealed - 1.90.060 Specific Requirements of Boards, Commissions and Committees:

- This section was included in the new Advisory Commission code as 1.90.070; and it was omitted from the new P&Z Commission code as the new code is specific to only the P&Z Commission.

New Chapter 1.90 General Standards for Advisory Commissions

Part of the proposed changes include dropping the terms Board or Committee for standing bodies of the City. Uniformly referring to the standing advisory bodies of the City as Commission will create consistency and efficiency.

New Section - 1.90.010 Creation:

- Paragraph's (a)(1-5) are new, and establish that Standing Advisory Commissions are created or dissolved by the Council, and lists the current Standing Advisory Commissions.
- Paragraph (b) was developed based on the last sentence repealed in 1.90.050(a), which addressed to the paramount authority of the Council regarding the actions of Commissions. The new language addresses the advisory nature of the Commissions to the Council and Administration.
- Paragraph (c) clarifies this chapter does not apply to the P&Z Commission. Any information from the repealed chapter 1.90 that was applicable to the P&Z Commission was incorporated into the new 14.05.050.

Additional Notes: The Airport Commission at their March 14, 2024 meeting, the Beautification Committee at their February 13, 2024 meeting, the Council on Aging at their February 8, 2024 meeting, the Harbor Commission at their February 12, 2024



meeting, and the Parks and Recreation Commission at their February 12, 2024 meeting recommended amending the first sentence of 1.90.010 to read, "All boards, commissions and committees created by the Council of the City of Kenai, unless otherwise specified, will consist of [7] seven members...

The above referenced recommendation was incorporated into the new Advisory Commission code as 1.90.020(a).

New Section - 1.90.020 Member, Appointment and Qualifications:

- Paragraph (a) and (b) were from first sentence of the repealed 1.90.010.
- Paragraph (c) and (d) were from paragraph (a) of the repealed 1.90.030.
- Paragraph (e) was from the second sentence of the repealed 1.90.040(a).

New Section - 1.90.030 Terms:

- Paragraph (a) was from the first sentence of repealed 1.90.040(a) and modified to include the start and end date of a term.
- Paragraph (b) is a new paragraph, the purpose is to codify current practice related to partial terms.
- Paragraph (c) was from the repealed 1.90.040(b).

New Section - 1.90.040 Attendance:

- This section was from the repealed 1.90.050(b).

New Section - 1.90.050 Proceedings:

- Paragraph (a) was from the first sentence of repealed 1.90.050(a), and modified to reflect procedure established within Council Policy 20.020.
- Paragraph (b) was from the second sentence of repealed 1.90.010.
- Paragraph (c) was from repealed 1.90.050(c).
- Paragraph (d) was from the second sentence of repealed 1.90.050(a).
- Paragraph (e) was from the third sentence of repealed 1.90.050(a).
- Paragraph (f) was from repealed 1.90.050(d).

New Section 1.90.060 Liaison:

- Paragraph's (a)(1-3) are from sentences 3-6 of the repealed 1.90.010.
- Paragraph (a)(4) is from Council Policy 20.020.
- Paragraph (b) is from the last sentence of repealed 1.90.010.

New Section 1.90.070:

- This new section is from the repealed 1.90.060.

Section 2. Proposes to enact a completely new Chapter of code, "1.95 - Standing Advisory Commissions", this new chapter will relocate the existing code sections for Advisory bodies to one location and create new code for the Beautification Commission and Council on Aging Commission.

These new code sections were developed based on current existing code and meetings held with each commission earlier this year.

New Chapter 1.90 Standing Advisory Commissions

The sections within this chapter will be applicable to individual Standing Advisory Commissions.

New Section - 1.95.010 Airport Commission: *Note: Section 6 of the ordinance proposes to repeal the existing code section for the Airport Commission, KMC 21.20.*

- The Airport Commission at their March 14, 2024 meeting recommended amendments to their current code which are incorporated into the new proposed 1.95.010, the following identifies any changes made since their recommendation.



- Paragraph (b)(5) is new language for the Airport Commission and has also been included some of the other Commissions.
- Paragraph (c) regarding qualifications was added and incorporates the information from sections of the current 1.90 proposed to be repealed.
- Paragraph (f) from the repealed 21.20.030 Membership was omitted. This currently provides for, “One non-voting member, representing and ad hoc member of the Kenai City Council.” This was left out as it is not a current practice; however, the Airport Commission is assigned a non-voting Council Liaison annually.

New Section - 1.95.020 Beautification Commission: *Note: The Beautification Committee has never been formed by City Council, this new section of code would create a Standing Beautification Commission.*

- The Beautification Committee at their February 13, 2024 meeting recommended enactment of code for the Beautification Commission substantially in the form presented within the Ordinance; however, since that recommendation the following changes have been made.
 - Paragraph (b)(3) was changes to read, “Advise the Council and administration on City beautification issues and/or projects as requested by the Council or administration; and,”
 - Paragraph (c) regarding qualifications was added and incorporates the information from sections of the current 1.90 proposed to be repealed.

New Section - 1.95.030 Council on Aging Commission: *Note: The Council on Aging operates under By-Laws, including provisions for the Council on Aging in code is new.*

- The Council on Aging at their February 8, 2024 meeting recommended enactment of municipal code for the Council on Aging Commission substantially in the form presented within the Ordinance; however, since that recommendation the following changes have been made.
 - Paragraph (b)(5) is new language for the Council on Aging Commission and has also been included some of the other Commissions.
 - Paragraph (c) Qualifications and Membership, the section referencing the requirements of KMC 1.90 has been reworded to align with the language in other Commissions sections of code; however, it does not change the intent.
 - Paragraph (c), the current By-Laws establishes members must be 60 years or older, the Council on Aging has requested that age be lowered to 55 years or older.

New Section - 1.95.040 Harbor Commission: *Note: Section 3 of the ordinance proposes to repeal the existing code section for the Harbor Commission, KMC 11.10.*

- The Harbor Commission at their February 12, 2024 meeting recommended amendments to their current code which are incorporated into the new proposed 1.95.040, the following identifies any changes made since their original recommendation.
 - Paragraphs (b)(2) and (3) changed positions, this was done to align with the outline format of code for other commissions.
 - Paragraph (b)(5) was amended to include “and administration” at the end of the sentence to align with language in code for other commissions.
 - Paragraph (c) regarding qualifications was added and incorporates the information from sections of the current 1.90 proposed to be repealed.

New Section - 1.95.050 Parks and Recreation Commission: *Note: Section 5 of the ordinance proposes to repeal the existing code section for the Parks and Recreation Commission, KMC 19.05.*

- The Parks and Recreation Commission at their February 1, 2024 meeting recommended amendments to their current code which are incorporated into the new proposed 1.95.050, the following identifies any changes made since their recommendation.
 - Paragraphs (b)(2) and (3) changed positions, this was done to align with the outline format of codes for other commissions.



- Paragraph (b)(5) was amended to include “and administration” at the end of the sentence to align with language in code for other commissions.
- Paragraph (c) regarding qualifications was added and incorporates the information from sections of the current 1.90 proposed to be repealed.

Section 3. Proposes to repeal KMC Chapter 11.10 Harbor Commission.

Section 4. Proposes to enact a completely new Section 14.05.050-Membership, Qualifications and Procedures within Chapter 14 Planning and Zoning.

- Paragraph (a) was from the first sentence in repealed 1.90.010.
- Paragraph’s (a)(1-3) were from the repealed 1.90.030(a) and (c).
- Paragraph (a)(4) was from the second sentence of repealed 1.90.040(a).
- Paragraph (a)(5) was from the repealed 1.90.050(b).
- Paragraph (b) is new and provides an outline beginning for procedures of the Commission.
- Paragraph (b)(1) is from the first sentence of repealed 1.90.050(a) and has been modified to align with Council Policy 20.020.
- Paragraph (b)(2) is from the second sentence of repealed 1.90.010.
- Paragraph (b)(3) is from the repealed 1.90.050(c).
- Paragraph (b)(4) is from the second sentence of repealed 1.90.050(a).
- Paragraph (b)(5) is from the third sentence of repealed 1.90.050(a).
- Paragraph (b)(6) is from the repealed 1.90.050(d).
- Paragraph’s (c)(1-3) is sentences 3, 4 and 5 of the repealed 1.90.010.
- Paragraph (c)(4) is from Council Policy 20.020.
- Paragraph (d) is from the last sentence of repealed 1.90.010.

Section 5. Proposes to repeal KMC Chapter 19.05 Parks and Recreation Commission.

Section 6. Proposes to repeal Chapter 21.20 Airport Commission.

Thank you for your consideration.

Attachments:

- A - Draft Ordinance Copy with Comments
- B - March 14, 2024 Airport Commission Packet Item and Approved Minutes
- C - February 13, 2024 Beautification Packet Item and Draft Minutes
- D - February 8, 2024 Council on Aging Packet Item(s) and Approved Minutes
- E - Amended Council on Aging By-Laws as recommended by the Council on Aging
- F - February 12, 2024 Harbor Commission Packet Item and Draft Minutes
- G - February 1, 2024 Parks and Recreation Commission Packet Item and Approved Minutes



Sponsored by: City Clerk

**CITY OF KENAI
ORDINANCE NO. XXXX-2024**

AN ORDINANCE REPEALING, REENACTING AND RENAMING KENAI MUNICIPAL CODE CHAPTER 1.90 - STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES, ENACTING CHAPTER 1.95 - STANDING ADVISORY COMMISSIONS, REPEALING CHAPTERS 11.10 - HARBOR COMMISSION, CHAPTER 19.05 PARKS AND RECREATION COMMISSION, CHAPTER 21.20 AIRPORT COMMISSION, ENACTING SECTION 14.05.050 - PLANNING AND ZONING COMMISSION - QUALIFICATIONS AND MEMBERSHIP AND APPROVING AMENDMENTS TO THE COUNCIL ON AGING COMMISSION BY-LAWS TO ORGANIZE STREAMLINE, AND IMPROVE THE EFFICIENCY OF THE CITY'S STANDING COMMISSIONS.

WHEREAS, the City's Standing Advisory Commissions are intended to advise the Council and administration on specific issues based on their experience, expertise and information presented before the commissions; and,

WHEREAS, each Advisory Commission has a unique purpose adding value to the decision-making process carried out by the Council and administration; and,

WHEREAS, establishing general standards applicable to all standing Advisory Commissions ensures consistency and efficiency in process; and,

WHEREAS, establishing a clear scope of work for each Advisory Commission provides direction to the commissions and ensures effective use of the volunteer commission members time; and,

WHEREAS, while current information on various commissions is spread throughout the Code, organizing the code to address the advisory commissions primarily in one place, improves public interface and transparency; and,

WHEREAS, a new code section is needed for the Planning and Zoning Commission to carry forward applicable code provisions to the Planning and Zoning Commission, which is unique from other City commissions by virtue of the Commission's non-advisory duties; and,

WHEREAS, the City Manager, City Attorney and City Clerk met with each advisory commission and committee in early 2024 to review and discuss current code provisions applicable to each body; and,

WHEREAS, recommended amendments from each commission or committee were drafted, presented and approved by each body; and,

WHEREAS, after further consideration of those recommendations, the administration in an effort to streamline and improve efficiencies for Standing Commissions, reevaluated the process and recommend a complete rewrite and renaming of Chapter 1.90; and,

WHEREAS, the Airport Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Beautification Committee at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

New Text Underlined; [DELETED TEXT BRACKETED]

WHEREAS, the Council on Aging at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Council on Aging at their February 8, 2024 regular meeting recommended that the City Council approve amendments to the By-Laws of the Council on Aging as attached; and,

WHEREAS, the Harbor Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Parks and Recreation Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance; and,

WHEREAS, the Planning and Zoning Commission at their _____, 2024 regular meeting recommended that the City Council _____ this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. ~~Repeal, Reenact and Rename Chapter 1.90 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 1.90 Standards for Boards, Commissions and Committees is hereby repealed, reenacted and renamed as Chapter 1.90 General Standards for Standing Advisory Commissions, as follows:~~

**[CHAPTER 1.90
STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES**

SECTIONS:

- 1.90.010 CREATION.
- 1.90.020 DUTIES.
- 1.90.030 QUALIFICATIONS.
- 1.90.040 TERMS.
- 1.90.050 PROCEEDINGS.
- 1.90.060 SPECIFIC REQUIREMENTS OF BOARDS, COMMISSIONS AND COMMITTEES.

1.90.010 CREATION.

ALL BOARDS, COMMISSIONS AND COMMITTEES CREATED BY THE COUNCIL OF THE CITY OF KENAI, SHALL CONSIST OF SEVEN (7) MEMBERS WHO SHALL BE NOMINATED BY THE MAYOR AND CONFIRMED BY THE CITY COUNCIL FROM APPLICATIONS SUBMITTED TO THE CITY CLERK. A CHAIR AND VICE-CHAIR SHALL BE SELECTED ANNUALLY AND SHALL BE ELECTED FROM AND BY THE APPOINTED MEMBERS. AT THE ORGANIZATIONAL MEETING OF COUNCIL, OR AS SOON THEREAFTER AS PRACTICABLE, THE MAYOR, AFTER CONSULTATION WITH COUNCIL, SHALL NOMINATE COUNCIL MEMBERS AS A COUNCIL LIAISON TO ANY BOARD, COMMISSION OR COMMITTEE. AFTER CONFIRMATION BY COUNCIL, THE COUNCIL LIAISON MAY ATTEND ALL MEETINGS OF THE BOARD, COMMISSION OR COMMITTEE. A COUNCIL LIAISON IS NOT A MEMBER OF, AND SHALL HAVE NO VOTING POWER OR ANY OTHER RIGHTS OF MEMBERSHIP ON, THE BOARD, COMMISSION OR COMMITTEE. THE MAYOR AND OTHER COUNCIL MEMBERS MAY ATTEND MEETINGS OF BOARDS, COMMISSIONS OR COMMITTEES WHEN SERVING AS AN ALTERNATE FOR THE COUNCIL LIAISON, OR IN THEIR CAPACITY AS ELECTED OFFICIALS. CITY ADMINISTRATIVE STAFF SHALL ATTEND AND SUPPLY STAFF SUPPORT TO ALL MEETINGS OF BOARDS, COMMISSIONS AND COMMITTEES.

Commented [SS1]: This section proposes to repeal and replace the current chapter 1.90.

Notes in the section being repealed will indicate how the code was modified, included or omitted within the new section.

Notes in the new section will indicate that it is a new provision that was not in the previous code.

Commented [SS2]: First sentence included in 1.90.020 (a) and (b) and in the new 14.05.050 (a).

Commented [SS3]: Second sentence included in 1.90.050(b) and in the new 14.05.050(b)(2).

Commented [SS4]: Sentences 3 through 6 were included in 1.90.060(a)(1-3), paragraph (a) is from Council adopted policy 20.020 and in the new 14.05.050 (c)(1-3), paragraph (d) is from Council Policy 20.020.

Commented [SS5]: Sentence 7 was included as 1.90.060(b).

1.90.020 DUTIES.

- (A) MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES SHALL BE REQUIRED TO ESTABLISH POLICIES RELATING TO THEIR RESPECTIVE ORGANIZATION. THEY SHALL ACT IN AN ADVISORY CAPACITY TO CITY COUNCIL UNLESS OTHERWISE SPECIFIED IN THE CITY CODE.
- (B) IF THE BOARD, COMMISSION OR COMMITTEE HAS INCOME STATED WITHIN THE CITY OF KENAI ANNUAL BUDGET, SAID BOARD, COMMISSION OR COMMITTEE SHALL WORK WITH THE CITY MANAGER TO ESTABLISH EXPENSES PROJECTED FOR THE YEAR FOR APPROVAL BY THE CITY COUNCIL.

Commented [SS6]: Paragraphs (A) and (B) were both omitted in the new 1.90; however, duties have been included in the new code sections for each individual commission based on meetings with each body.

Section 2 of the Ordinance:
1.95.010 (b)(2) - Airport Duties
1.95.015 (b)(3) - Beautification Duties
1.95.020 (b)(2) - COA Duties
1.95.025 (b)(2) - Harbor Duties
1.95.030 (b)(2) - Parks & Rec Duties

1.90.030 QUALIFICATIONS.

- (A) A MEMBER OF A BOARD, COMMISSION OR COMMITTEE MUST BE A RESIDENT OF THE CITY OF KENAI, UNLESS THE BOARD, COMMISSION OR COMMITTEE IS SPECIFICALLY EXEMPTED BY COUNCIL FROM THIS REQUIREMENT. THE MEMBER CANNOT BE AN OFFICER OR EMPLOYEE OF THE CITY OF KENAI. IF ANY MEMBER SHOULD MOVE HIS OR HER RESIDENCE FROM THE CORPORATE LIMITS OF THE CITY OF KENAI (IF APPLICABLE), IS AN OFFICER OR EMPLOYEE OF THE CITY OF KENAI, OR SHALL BE ELECTED OR APPOINTED AS AN OFFICER OR EMPLOYEE OF THE CITY OF KENAI, THE SERVICE OF SUCH MEMBER SHALL TERMINATE IMMEDIATELY. HE OR SHE SHOULD BE AWARE THAT HE OR SHE WILL SERVE WITHOUT SALARY, BUT WILL BE REIMBURSED FOR ALL REASONABLE EXPENSES INCURRED IN CONNECTION WITH THIS SERVICE, ONLY AFTER APPROVAL BY COUNCIL.

Commented [SS7]: The first three sentences were included in newly proposes 1.90.020(c) and in the new 14.05.050 paragraphs (a)(1-3)

Commented [SS8]: This last sentence was included in newly proposed 1.90.020(d), it was omitted from the new 14.05.050 as Planning Commissioners receive a stipend.

- (B) THE BEAUTIFICATION COMMITTEE, AND HARBOR, LIBRARY, AND PARKS AND RECREATION COMMISSIONS MAY AT THE DISCRETION OF THE COUNCIL HAVE UP TO TWO (2) NON-RESIDENT MEMBERS EACH.

Commented [SS9]: This paragraph was omitted in the new 1.90; however, was included in the new code sections for the individual commission.

Section 2 of the ordinance:
1.95.020(c) - Beautification
1.95.040(c) - Harbor
1.95.050(c) - Parks & Rec

Note: Library Commission sunset in 2015. Airport and COA have different membership requirements.

- (C) THE PLANNING AND ZONING COMMISSION MAY HAVE UP TO ONE MEMBER THAT IS NOT A RESIDENT OF THE CITY IF THEY HAVE A CONTROLLING OWNERSHIP INTEREST IN A BUSINESS PHYSICALLY LOCATED IN THE CITY. THIS PROVISION SPECIFICALLY DOES NOT CREATE A DESIGNATED SEAT FOR A NON-RESIDENT.

Commented [SS10]: This paragraph was omitted in the new 1.90; however, was included in the new section of code proposed within Title 14.

Section 4 of this ordinance:
14.05.050 (a)(1)&(3)

1.90.040 TERMS.

(A) ~~A MEMBER OF A BOARD, COMMISSION OR COMMITTEE SHALL SERVE FOR A TERM OF THREE (3) YEARS, UNLESS THE BOARD, COMMISSION OR COMMITTEE IS SPECIFICALLY EXEMPTED BY COUNCIL FROM THIS REQUIREMENT. AT RENEWAL DATE, THE MAYOR, WITH CONSENT OF THE COUNCIL, CAN REAPPOINT THE MEMBER OR RECOMMEND A REPLACEMENT.~~

Commented [SS11]: Included and modified to included term start of Jan1 and end Dec 31 in new 1.90.030(a) and already exists in 14.05.015(d)

Commented [SS12]: Included in new 1.90.020(e) and in the new 14.05.050(a)(4)

(B) ~~THE TERMS OF THE INITIAL BOARD, COMMISSION OR COMMITTEE MEMBER SHALL BE STAGGERED SO THAT THREE (3) MEMBERS WILL BE APPOINTED FOR ONE (1) YEAR; TWO (2) MEMBERS WILL BE APPOINTED FOR TWO (2) YEARS; AND TWO (2) MEMBERS WILL BE APPOINTED FOR THREE (3) YEARS. TERMS SHALL COMMENCE ON JANUARY 1ST OF EACH YEAR.~~

Commented [SS13]: Included in new 1.90.030(c)

1.90.050 PROCEEDINGS.

(A) ~~ALL BOARDS, COMMISSIONS AND COMMITTEES WILL HAVE REGULARLY SCHEDULED MEETINGS WHICH SHALL BE OPEN TO THE PUBLIC. EXCEPTIONS TO THE MEETING REQUIREMENTS SHALL BE ESTABLISHED BY COUNCIL. PERMANENT RECORDS OR MINUTES SHALL BE KEPT OF ALL PROCEEDINGS AND SUCH MINUTES SHALL RECORD THE VOTE OF EACH MEMBER UPON EVERY QUESTION. EVERY DECISION OR FINDING SHALL IMMEDIATELY BE FILED IN THE OFFICE OF THE CITY CLERK AND SHALL BE A PUBLIC RECORD OPEN TO INSPECTION BY ANY PERSON. ALL ACTS OF BOARDS, COMMISSIONS AND COMMITTEES ARE SUBJECT TO THE PARAMOUNT AUTHORITY OF THE CITY COUNCIL.~~

Commented [SS14]: Included and modified to reflect current practice in new 1.90.050(a) and included in the new 14.05.050(b)(1)

Commented [SS15]: Included in new 1.90.050(d) - (e) and in the new 14.05.050(b)(4-5)

Commented [SS16]: Omitted and replaced as the new 1.90.010 (b)

(B) ~~IF THE COMMISSION, COMMITTEE OR BOARD MEMBER SHALL BE ABSENT, WITHOUT THE BODY EXCUSING THE ABSENCE FOR GOOD CAUSE, FROM MORE THAN ONE-HALF OF ALL THE MEETINGS OF HIS OR HER COMMITTEE, COMMISSION OR BOARD, REGULAR AND SPECIAL, HELD WITHIN ANY PERIOD OF THREE (3) CONSECUTIVE CALENDAR MONTHS, HE OR SHE SHALL THEREUPON CEASE TO HOLD THE SEAT. A COMMISSION, COMMITTEE OR BOARD MEMBER MAY NOT HAVE MORE THAN THREE (3) EXCUSED ABSENCES DURING A TWELVE (12) MONTH CALENDAR YEAR.~~

Commented [SS17]: Included in new 1.90.040 and in the new 14.05.050(a)(5)

(C) ~~IN ALL MATTERS OF PARLIAMENTARY PROCEDURE, THE MOST CURRENT EDITION OF ROBERT'S RULES OF ORDER NEWLY REVISED SHALL BE APPLICABLE AND GOVERN ALL MEETINGS, UNLESS AS SPECIFIED IN KMC 1.15.060, MOTIONS; KMC 1.15.100, SPEAKING; AND KMC 1.15.110, VOTING.~~

Commented [SS18]: Included in new 1.90.050(c) and in the new 14.05.050 (b)(3)

New Text Underlined; [DELETED TEXT BRACKETED]

(D) ~~THE RESPONSIBILITY OF INSURING THAT ALL MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES RECEIVE A COPY OF THE STANDARD PROCEDURES OF BOARDS, COMMISSIONS AND COMMITTEES LIES WITH THE CITY CLERK.~~

Commented [SS19]: Included in new 1.90.050(f) and in the new 14.05.050(b)(6)

1.90.060 SPECIFIC REQUIREMENTS OF BOARDS, COMMISSIONS AND COMMITTEES.
~~REQUIREMENTS OF BOARDS, COMMISSIONS AND COMMITTEES AS SET FORTH IN KMC 1.90 ARE GENERAL REQUIREMENTS AND SHALL BE FOLLOWED TO THE EXTENT THAT THEY DO NOT CONFLICT WITH SPECIFIC REQUIREMENTS FOUND IN CODE SECTIONS SPECIFICALLY PERTAINING TO INDIVIDUAL BOARDS, COMMISSIONS AND COMMITTEES.]~~

Commented [SS20]: Included in new 1.90.070

Chapter 1.90
General Standards for Standing Advisory Commissions.

Sections:

- 1.90.010 Creation.
- 1.90.015 Members, Appointments and Qualifications.
- 1.90.020 Terms.
- 1.90.025 Attendance.
- 1.90.030 Proceedings.
- 1.90.035 Liaisons.
- 1.90.040 Specific Requirements of Standing Advisory Commissions.

1.90.010 **Creation.**

- (a) Standing Advisory Commissions of the City may be created or dissolved by an ordinance of the City Council. The following Standing Advisory Commissions have been created by the Council:
 - (1) Airport Commission, as established in KMC 1.95.010;
 - (2) Beautification Commission, as established in KMC 1.95.020;
 - (3) Council on Aging Commission, as established in KMC 1.95.030;
 - (4) Harbor Commission, as established in KMC 1.95.040;
 - (5) Parks and Recreation Commission, as established in KMC 1.95.050;
- (b) Standing Advisory Commissions are created to advise the Council and Administration as requested and codified. Decisions of Standing Advisory Commissions may be considered by the Council and administration, but standing advisory commissions may not direct Council or Administration.
- (c) This Chapter does not apply to the Planning and Zoning Commission which is not solely advisory to the Council and Administration.

Commented [SS21]: The blue highlighted portion of this sections new and is establishing in code one location that identifies the Standing Advisory Commissions of the City.

New Text Underlined; [DELETED TEXT BRACKETED]

1.90.020 Member, Appointment and Qualifications.

- (a) Unless otherwise specified standing advisory commissions will consist of seven members.
- (b) Commission members will be nominated by the Mayor and confirmed by the Council from applications submitted to the Clerk.
- (c) Members must be residents of the City unless otherwise specified and may not be an officer or employee of the City. If any member who is required to reside in the City, moves their residence outside of City limits, or if any member is elected or appointed as an officer or employee of the City, the term of such member will terminate immediately.
- (d) Members will serve without salary, but may be reimbursed for reasonable expenses incurred in connection with the service, only after approval by the Council.
- (e) After completion of a full or partial term, the Mayor with confirmation of the Council may reappoint the member or recommend a replacement.

1.90.030 Terms.

- (a) Terms of appointment will be for three-years beginning January 1st and ending December 31st, unless the commission is exempted by the Council from this requirement.
- (b) When an appointment is to fill a vacancy created prior to the end of a term, the appointment will be for the remainder of that term.
- (c) When appointments are first made to a newly established commission, the first appointments will be to staggered terms, so that three members will be appointed for one year; two members will be appointed for two years; and two members will be appointed for three years.

Commented [SS22]: This is a new paragraph. The purpose is to codify practices related to partial term appointments.

1.90.040 Attendance.

If a member is absent, without the body excusing the absence for good cause from more than one-half of all the regular or special meetings held within any period of three consecutive calendar months, the member will thereupon cease to hold the seat. A commission member may not have more than three excused absences during a twelve-month calendar year.

1.90.050 Proceedings.

- (a) Standing Advisory Commissions will have regularly scheduled meetings which will be open to the public. Annual meeting schedules, meeting cancellations or holding special meetings will conform to policy set by the City Council.
- (b) A chair and vice-chair will be elected annually from and by the appointed members.
- (c) The most current edition of Robert's Rules of Order Newly Revised will govern all meetings, unless otherwise specified in KMC 1.15.060 motions; KMC 1.15.100 speaking; and KMC 1.15.110 voting.
- (d) Permanent record or minutes will be kept for regular and special meetings, and such minutes will record the vote of each member upon every question.
- (e) Every decision or finding will be filed in the office of the Clerk and will be a public record open to inspection by any person.
- (f) The Clerk is responsible for ensuring that all members of commissions are provided a copy of this chapter.

1.90.060 Liaison.

New Text Underlined; [DELETED TEXT BRACKETED]

- (a) Council Liaison. At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, will nominate Council Members as a council liaison to Standing Advisory Commissions. The following applies to Council Liaisons:
 - (1) After confirmation by Council, the council liaison may attend all meetings of the commission.
 - (2) The council liaison is a non-voting member and may not participate in the debate of the commission.
 - (3) Any Council Member may attend meetings or work sessions when serving as an alternate for the council liaison, or in their capacity as elected officials.
 - (3) Other Council Members may attend a meeting or work session of a commission; however, no more than three Council Members may attend any one meeting without additional public notice.
- (b) Staff Liaison. City administrative staff will attend and supply staff support to all meetings of the commissions of the City.

Commented [SS23]: From Council Policy 20.020 (G)(2)

Commented [SS24]: From Council Policy 20.020 (G)(1)

1.90.070 Specific Requirements of Standing Advisory Commissions.

Requirements of this chapter are general requirements and will be followed to the extent that they do not conflict with specific requirements found in code sections specifically pertaining to individual standing commissions.

Section 2. Enactment of Chapter 1.95 of Kenai Municipal Code: That Kenai Municipal Code, Section 1.95 Boards, Commissions and Committees is hereby enacted as follows:

Chapter 1.95 Standing Advisory Commissions.

Sections:

- 1.95.010 Airport Commission.
- 1.95.020 Beautification Committee.
- 1.95.030 Council on Aging Commission.
- 1.95.040 Harbor Commission.
- 1.95.050 Parks and Recreation Commission.

1.95.010 Airport Commission.

- (a) Purpose. The purpose of the Airport Commission is to advise the Council and administration on issues involving the Airport and lands held for the benefit of the Airport.
- (b) Duties and Powers. The Airport Commission will:
 - (1) Review and provide recommendations on the master plan for the airport development. This may include:
 - (i) Development of type, location and sequence of all airport terminal facilities; and,
 - (ii) Development and use of all airport lands.
 - (2) Act in an advisory capacity to the Council and the Administration on matters affecting the airport.
 - (3) Make recommendations to the City Manager on the airport budget.
 - (4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year.

Commented [SS25]: This new section of code incorporates KMC 21.20 and includes amendments which were recommended by the Airport Commission during their March 14, 2024 meeting.

Section 5 of this ordinance will repeal KMC 21.20 in its entirety.

New Text Underlined; [DELETED TEXT BRACKETED]

(5) Provide information and recommendations as requested by the City Council and administration.

(c) Qualifications. Members of the Airport Commission will conform to the requirements as established by KMC 1.90, except that members of the Airport Commission need not be a resident of the City of Kenai.

(d) Membership. The Commission will be comprised of seven members who will be chosen so as to represent broadly the following areas:

- (1) One member, fixed base operator (FBO); and,
- (2) One member, lessee of airport aeronautical lands or terminal facility; and,
- (3) One member, with expertise in Federal Aviation Administration functions; and,
- (4) One member, representing the Civil Air Patrol; and,
- (5) Three members, at-large, representing the business and professional community.

1.95.020 Beautification Commission.

(a) Purpose. The purpose of the Beautification Commission is to advise the Council and administration on enhancing the appearance of the City.

(b) Duties and Powers. The Beautification Commission will:

- (1) Advise administration on seasonal displays and decorations promoted by the City; and,
- (2) Advise administration on selection of annual plantings of flora to be displayed in the City; and,
- (3) Advise Council and administration on City beautification issues and/or projects as requested by the Council or administration; and,
- (4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year.

(c) Qualifications and Membership. Members of the Beautification Commission will conform to the requirements of KMC 1.90, except the commission may at the discretion of the Council have up to two non-resident members.

1.95.030 Council on Aging Commission.

(a) Purpose. The purpose of the Council on Aging Commission is to advise the Council and Administration on issues involving the Kenai Senior Center and senior citizen programs supported by the City.

(b) Duties and Powers. The Council on Aging Commission will:

- (1) Review and provide recommendations on any master plans for senior citizen services provided by the City. This may include:
 - (i) City owned facilities providing senior citizen services; and,
 - (ii) Development and use of the Senior Center or other facilities owned or managed by the City for the provision of services for senior citizens, excluding Vintage Pointe-Independent Senior Housing.

Commented [SS26]: This is a new section of Code, based on the recommendations of the Beautification Committee.

Commented [SS27]: This is a new section of code, based on the recommendations of the Council on Aging.

- (2) Act in an advisory capacity to the Council and the Administration on matters affecting the Senior Center and senior citizen services provided by the City; and.
- (3) Make recommendations to the City Manager on the budget for the City's Senior Center; and.
- (4) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year; and.
- (5) Provide information and recommendations as requested by the City Council and administration.

- (c) Qualifications and Membership. Members of the Council on Aging Commission will conform to the requirements as established by KMC 1.90, except that members need only to reside on the Kenai Peninsula and 51% of whom must be 55 years or older. The Commission shall be comprised of not more than nine members who will be chosen based on their interest in challenges and opportunities for local senior citizens.
- (d) Bylaws. The Council on Aging Commission may have its own bylaws approved by the City Council that provide guidance and direction for the Council on Aging Commission to the extent that they do not conflict with the City's Code of Ordinances. If a conflict should arise between the bylaws and City's Code of Ordinances, City Code will control.

Commented [SS28]: Council on Aging recommended lowering this age from 60 to 55.

1.95.040 Harbor Commission.

- (a) Purpose. The purpose of the Harbor Commission is to advise the Council and administration on issues involving City harbor facilities and tidal or submerged lands owned by the City.
- (b) Duties and Powers. The Harbor Commission will:
 - (1) Review and provide recommendations on any master plans for the development of harbor or port facilities for the City. This may include:
 - (i) Development of the type, location, and sequence of all public harbor facilities; and,
 - (ii) The relocation, removal, extension, or change of use of existing harbor facilities.
 - (2) Act in an advisory capacity to the Council and administration regarding matters related to City harbor facilities, tide or submerged lands. Make recommendations to the Council and administration relative to the care, control, and development of tide and submerged lands; and.
 - (3) Submit annually to the City Manager and Council, not less than ninety (90) days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for constructed in which year; and.
 - (4) Review all City leases of City-owned tide and submerged lands and make recommendations to the City Council and administration; and.
 - (5) Provide information and recommendations as requested by the City Council and administration; and.
 - (6) Advise and provide recommendations to the administration as requested on the qualifications for a Harbor Master.

Commented [SS29]: This new section of code incorporates KMC 11.10 and includes amendments which were recommended by the Harbor Commission during their February 12, 2024 meeting.

Section 3 of this ordinance will repeal KMC 11.10 in its entirety.

(c) Qualifications and Membership. Members of the Harbor Commission will conform to the requirements of KMC 1.90, except the commission may at the discretion of the Council have up to two non-resident members.

1.95.050 Parks and Recreation Commission.

(a) Purpose. The purpose of the Parks and Recreation Commission is to advise the Council and administration on issues involving the City's parks and recreational facilities.

(b) Duties and Powers. The Parks and Recreation Commission will:

(1) Review and provide recommendations on any master plans for the physical development of recreation facilities for the City. Such master plans with accompanying maps, plats, charts, descriptive, and explanatory matter, may show the Commission's recommendations for the development of the City's recreation facilities including:

(i) Development of the type, location, and sequence of all public recreation facilities; and,

(ii) The relocation, removal, extension, or change of use of existing recreation facilities.

(2) Advise the Council and Administration on concerns and recommendations regarding parks and recreational facilities within the City including recommendations for consideration by the Administration in the development of the Parks and Recreation Department's annual budget; and,

(3) Submit annually to the City Manager and Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list will be arranged in order of preference, with recommendations as to which projects are recommended for construction in which year; and,

(4) Provide information and recommendations as requested by the City Council and administration; and,

(5) Advise and provide recommendations to the Administration as requested on the qualifications for a Director of Parks and Recreation.

(c) Qualifications and Membership. Members of the Parks and Recreation Commission will conform to the requirements of KMC 1.90, except the commission may at the discretion of the Council have up to two non-resident members.

Commented [SS30]: This new section of code incorporates KMC Title 19 and includes amendments which were recommended by the Parks & Recreation Commission during their February 1, 2024 meeting.

Section 4 of this ordinance will repeal KMC Title 19 in its entirety.

Section 3. Repeal of Chapter 11.10 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 11.10 Harbor Commission is hereby repealed as follows:

**[CHAPTER 11.10
HARBOR COMMISSION**

11.10.010 DUTIES AND POWERS.

(A) THE HARBOR COMMISSION SHALL BE REQUIRED TO DO THE FOLLOWING:

(1) DEVELOP, ADOPT, ALTER, OR REVISE, SUBJECT TO APPROVAL BY THE CITY COUNCIL, A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF HARBOR OR PORT FACILITIES FOR THE CITY. SUCH MASTER PLAN WITH ACCOMPANYING MAPS, PLATS, CHARTS, DESCRIPTIVE, AND EXPLANATORY MATTER, SHALL SHOW THE HARBOR COMMISSION'S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE CITY HARBOR FACILITIES MAY INCLUDE, AMONG OTHER THINGS:

(i) DEVELOPMENT OF THE TYPE, LOCATION, AND SEQUENCE OF ALL PUBLIC HARBOR FACILITIES;

(ii) THE RELOCATION, REMOVAL, EXTENSION, OR CHANGE OF USE OF EXISTING HARBOR FACILITIES;

New Text Underlined: [DELETED TEXT BRACKETED]

- (2) SUBMIT ANNUALLY TO THE CITY MANAGER AND COUNCIL, NOT LESS THAN NINETY (90) DAYS PRIOR TO THE BEGINNING OF THE BUDGET YEAR, A LIST OF THE RECOMMENDED CAPITAL IMPROVEMENTS WHICH, IN THE OPINION OF THE COMMISSION, ARE NECESSARY OR DESIRABLE TO BE CONSTRUCTED DURING THE FORTHCOMING THREE (3) YEAR PERIOD. SUCH LIST SHALL BE ARRANGED IN ORDER OF PREFERENCE, WITH RECOMMENDATIONS AS TO WHICH PROJECTS SHALL BE CONSTRUCTED IN WHICH YEAR.
- (3) MAKE INVESTIGATIONS REGARDING ANY MATTER RELATED TO CITY HARBOR FACILITIES, TIDE OR SUBMERGED LANDS. MAKE RECOMMENDATIONS TO THE COUNCIL RELATIVE TO THE CARE, CONTROL, AND DEVELOPMENT OF TIDE AND SUBMERGED LANDS.
- (4) REVIEW ALL CITY LEASES OF CITY-OWNED TIDE, SUBMERGED, AND LANDS OR NAVIGABLE WATERS WITHIN THE CITY, AND AS TO THE PLANNED IMPROVEMENTS PROPOSED AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL.
- (5) MAKE AND PREPARE REPORTS AND PLANS FOR APPROVAL BY THE CITY COUNCIL.
- (6) COORDINATE PUBLIC EFFORTS, INDIVIDUAL AND GROUP, TO THE EFFECTUATION OF APPROVED PLANS.
- (7) SHALL ACT IN ADVISORY CAPACITY IN THE SELECTION OF A HARBOR MASTER SHOULD SUCH A POSITION BE CREATED BY THE CITY COUNCIL.]

Section 4. Enactment of Section 14.05.050 of Kenai Municipal Code: That Kenai Municipal Code, Section 14.05.050 - Membership, Qualifications and Proceedings, is hereby enacted as follows:

14.05.050 - Membership Qualifications and Procedures.

- (a) The Planning and Zoning Commission will consist of seven members, who will be nominated by the Mayor and confirmed by the City Council in accordance with KMC 14.05.015, and the following:
 - (1) Members must be a resident of the City of Kenai, except the commission may have up to one member that is not a resident of the City if that member has a controlling ownership interest in a business physically located in the City. This provision specifically does not create a designated seat for a non-resident.
 - (2) Members may not be an officer or employee of the City.
 - (3) If a member who is required to reside in the City, moves their residence outside of City limits, or if a member who is required to have a controlling ownership interest in a business physically located in the City, relinquishes their controlling ownership interest of the business physically located in the City, or if a member is elected or appointed as an officer or employee of the City, the term of such member will terminate immediately.
 - (4) After completion of a partial term, the Mayor with confirmation of the Council may reappoint the member or recommend a replacement in accordance with KMC 14.05.015.
 - (5) If a member is absent, without the body excusing the absence for good cause from more than one-half of all the regular or special meetings held within any period of three consecutive calendar months, the member will thereupon cease to hold the seat. A commission member may not have more than three excused absences during a twelve-month calendar year.
- (b) The Commission will have regularly scheduled meetings which will be open to the public. Procedures and preceding of the commission will include, but are not limited to the following:
 - (1) Annual meeting schedules, meeting cancellations or holding special meetings will conform to policy set by the City Council.
 - (2) A chair and vice-chair will be elected annually from and by the appointed members.

Commented [SS31]: This would be a completely new section to the Planning and Zoning Commissions Code within Title 14. The intent is to include the current provisions from 1.90 that apply to the Planning and Zoning Commission into their section of code. The Planning and Zoning Commission does not fall under the description of an Advisory Body; although they do at time make advisory decisions, they also have decision making authority and act in a quasi-judicial capacity.

New Text Underlined; [DELETED TEXT BRACKETED]

- (3) The most current edition of Robert’s Rules of Order Newly Revised will govern all meetings, unless otherwise specified in KMC 1.15.060 motions; KMC 1.15.100 speaking; and KMC 1.15.110 voting.
- (4) Permanent record or minutes will be kept for regular and special meetings, and such minutes will record the vote of each member upon every question.
- (5) Every decision or finding will be filed in the office of the Clerk and will be a public record open to inspection by any person.
- (6) The Clerk is responsible for ensuring that all members of commissions are provided a copy of this section.
- (c) At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, will nominate a Council Members as council liaison to the Planning and Zoning Commission. The following applies to the Council Liaisons:
 - (1) After confirmation by Council, the council liaison may attend all meetings of the commission.
 - (2) The council liaison is a non-voting member and may not participate in the debate of the commission.
 - (3) Any Council Member may attend meetings or work sessions when serving as an alternate for the council liaison, or in their capacity as elected officials.
 - (4) Other Council Members may attend a meeting or work session of the commission; however, no more than three Council Members may attend any one meeting without additional public notice.
- (d) City administrative staff will attend and supply staff support to all meetings of the commission.

Commented [SS32]: From Council Policy 20.020 G.2.

Commented [SS33]: From Council Policy 20.020 G.1.

Section 5. Repeal of Chapter 19.05 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 19.05 Parks and Recreation Commission is hereby repealed as follows:

**[CHAPTER 19.05
PARKS AND RECREATION COMMISSION**

SECTIONS:

- 19.05.010 *CREATION.*
- 19.05.020 *DUTIES AND POWERS.*
- 19.05.030 *TERMS AND APPOINTMENTS TO VACANCIES.*
- 19.05.040 *QUALIFICATIONS OF COMMISSION MEMBERS.*
- 19.05.050 *PROCEEDINGS OF COMMISSION.*

19.05.010 CREATION. (ORD. 416, REPEALED ORD. 1161)

19.05.020 DUTIES AND POWERS.

THE COMMISSION SHALL BE REQUIRED TO DO THE FOLLOWING:

- (A) DEVELOP, ADOPT, ALTER, OR REVISE SUBJECT TO APPROVAL BY THE CITY COUNCIL, A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF RECREATION FACILITIES FOR THE CITY. SUCH MASTER PLAN WITH ACCOMPANYING MAPS, PLATS, CHARTS, DESCRIPTIVE, AND EXPLANATORY MATTER, SHALL SHOW THE COMMISSION’S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE CITY’S RECREATION FACILITY MAY INCLUDE, AMONG OTHER THINGS:
 - (1) DEVELOPMENT OF THE TYPE, LOCATION, AND SEQUENCE OF ALL PUBLIC RECREATION FACILITIES; AND
 - (2) THE RELOCATION, REMOVAL, EXTENSION, OR CHANGE OF USE OF EXISTING RECREATION FACILITIES.

New Text Underlined: [DELETED TEXT BRACKETED]

- (B) SUBMIT ANNUALLY TO THE CITY MANAGER AND COUNCIL, NOT LESS THAN NINETY (90) DAYS PRIOR TO THE BEGINNING OF THE BUDGET YEAR, A LIST OF RECOMMENDED CAPITAL IMPROVEMENTS, WHICH IN THE OPINION OF THE COMMISSION, ARE NECESSARY OR DESIRABLE TO BE CONSTRUCTED DURING THE FORTHCOMING THREE (3) YEAR PERIOD. SUCH LIST SHALL BE ARRANGED IN ORDER OF PREFERENCE, WITH RECOMMENDATIONS AS TO WHICH PROJECTS SHALL BE CONSTRUCTED IN WHICH YEAR.
- (C) MAKE INVESTIGATIONS REGARDING ANY MATTER RELATED TO CITY RECREATION.
- (D) MAKE AND PREPARE REPORTS AND PLANS FOR APPROVAL BY THE CITY COUNCIL.
- (E) SHALL ACT IN ADVISORY CAPACITY IN THE SELECTION OF A DIRECTOR OF PARKS AND RECREATION.

19.05.030 TERMS AND APPOINTMENTS TO VACANCIES. (ORDS. 416, 430, REPEALED ORD. 1161)

19.05.040 QUALIFICATIONS OF COMMISSION MEMBERS. (ORDS. 416, 619, REPEALED ORD. 1161)

19.05.050 PROCEEDINGS OF COMMISSION. (ORD. 416, REPEALED ORD. 1161)]

Section 6. Repeal of Chapter 21.20 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 21.20 Airport Commission is hereby repealed as follows:

**[21.20
AIRPORT COMMISSION**

SECTIONS:

- 21.20.010 DUTIES AND POWERS.
- 21.20.020 QUALIFICATIONS.
- 21.20.030 MEMBERSHIP.

21.20.010 DUTIES AND POWERS.

THE COMMISSION SHALL:

- (A) DEVELOP, ADOPT, ALTER OR REVISE, SUBJECT TO APPROVAL BY THE CITY COUNCIL, A MASTER PLAN FOR THE AIRPORT DEVELOPMENT. THIS MAY INCLUDE:
 - (1) DEVELOPMENT OF TYPE, LOCATION AND SEQUENCE OF ALL AIRPORT TERMINAL FACILITIES;
 - (2) DEVELOPMENT AND USE OF ALL AIRPORT AERONAUTICAL LANDS.
- (B) OBSERVE, OVERSEE AND GUIDE IN AN ADVISORY CAPACITY, ANY MATTERS RELATING TO USE OF AIRPORT RUNWAYS, AIRPORT TERMINAL, AND AIRPORT AERONAUTICAL LANDS.
- (C) ACT IN AN ADVISORY CAPACITY TO THE COUNCIL AND THE AIRPORT MANAGER.
- (D) MAKE RECOMMENDATIONS TO THE CITY MANAGER ON THE AIRPORT BUDGET.

21.20.020 QUALIFICATIONS.

MEMBERS OF THE AIRPORT COMMISSION WILL CONFORM TO THE REQUIREMENTS OF THE CITY OF KENAI BOARDS, COMMISSIONS, AND COMMITTEES STANDARD PROCEDURES AS ESTABLISHED BY KMC 1.90, EXCEPT THAT MEMBERS OF THE AIRPORT COMMISSION NEED NOT BE RESIDENTS OF THE CITY OF KENAI.

21.20.030 MEMBERSHIP.

THE COMMISSION SHALL COMPRISE OF SEVEN (7) MEMBERS WHO SHALL BE CHOSEN SO AS TO REPRESENT BROADLY THE FOLLOWING AREAS:

- (A) ONE MEMBER, FIXED BASE OPERATOR (FBO).
- (B) ONE MEMBER, LESSEE OF AIRPORT AERONAUTICAL LANDS OR TERMINAL FACILITY.

New Text Underlined: [DELETED TEXT BRACKETED]

- (C) ONE MEMBER, WITH EXPERTISE IN FEDERAL AVIATION ADMINISTRATION FUNCTIONS.
- (D) ONE MEMBER, REPRESENTING THE CIVIL AIR PATROL.
- (E) THREE MEMBERS, AT-LARGE, REPRESENTING THE BUSINESS AND PROFESSIONAL COMMUNITY.
- (F) ONE NON-VOTING MEMBER, REPRESENTING AD HOC MEMBER OF THE KENAI CITY COUNCIL.]

Section 7. That the Council on Aging Commission By-Laws as amended and attached are hereby approved.

Section 8. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 8. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15th DAY OF MAY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced: May 1, 2024
Enacted: May 15, 2024
Effective: June 14, 2024

New Text Underlined; [DELETED TEXT BRACKETED]



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

Attachment C

TO: Harbor Commission
FROM: Scott Bloom, City Attorney
DATE: February 5, 2024
SUBJECT: **Proposed Amendments to KMC Chapter 11.10 and KMC Chapter 1.90**

On January, 8, 2024 Terry Eubank, City Manager, Shellie Saner, City Clerk, and I met with your Commission in a work session to discuss possible code changes to KMC Chapter 11.10 - Harbor Commission and KMC Chapter 1.90- Standard Procedures for Board, Commissions and Committees, as well as other procedures (such as an annual work plan) with the goal of improving the efficiency of your commission and making sure your valuable time as a commissioner is used wisely.

Attached to this Memorandum in Attachment A are the code changes we discussed. The changes are shown in legislative format. Underlined words are new suggestions while words in all caps are suggested for removal. In addition, comments regarding each change are provided in red. These comments are for discussion purposes only for this Commission.

If the Commission wishes to recommend Council approve the proposed amendments to code, a motion will be needed. For example, "I move to recommend that the City Council adopt the proposed amendments to KMC Chapter 11.10 and Chapter 1.90 as provided in attachment A". After the main motion has been made and seconded the subject will be before the commission for discussion and additional amendments. If additional amendments are proposed they must be made in the form of a motion, be seconded and voted on. Once discussion is complete and no additional amendments are proposed, the main motion will be voted on. All proposed amendment(s) that are approved by a majority of the Commission will be forwarded by the Administration to the Council in the form of an Ordinance, the Ordinance will also likely include recommended changes from other City Commissions that are relevant to their code sections.

The Administration may also recommend moving code provisions pertaining to the Harbor Commission into a different section of code, from KMC 11.10 into KMC 1.90, for organizational purposes only, but a final recommendation on this change is still in the works. It would not have any material effect on the Commission.

Thank you for your consideration.

Chapter 11.10 HARBOR COMMISSION

Sections:

11.10.005	Purpose.
11.10.010	Duties and powers.

11.10.005 Purpose.

The purpose of the Harbor Commission is to advise the Council and administration on issues involving City harbor facilities and tidal or submerged lands owned by the City. This proposed new section of code is intended just to clearly state the purpose of the commission.

11.10.010 Duties and powers.

(a) The Harbor Commission shall [BE REQUIRED TO DO THE FOLLOWING]:

(1) [DEVELOP, ADOPT, ALTER, OR REVISE, SUBJECT TO APPROVAL BY THE CITY COUNCIL, A] Review and provide recommendations on any master plans for the [PHYSICAL] development of harbor or port facilities for the City. [SUCH MASTER PLAN WITH ACCOMPANYING MAPS, PLATS, CHARTS, DESCRIPTIVE, AND EXPLANATORY MATTER, SHALL SHOW THE HARBOR COMMISSION'S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE CITY HARBOR FACILITIES] This may include, among other things:

(i) Development of the type, location, and sequence of all public harbor facilities;

(ii) The relocation, removal, extension, or change of use of existing harbor facilities;

As discussed previously, these changes reflect that the commission itself is not independently responsible for any master plans, but that the Commission's role to provide recommendations on such plans as they are developed.

(2) Submit annually to the City Manager and Council, not less than ninety (90) days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming [THREE (3)] five-year period. Such list shall be arranged in order of preference, with recommendations as to which projects [SHALL BE] are recommended for constructed in which year. The changes in this section are intended to reflect the actual timeline utilized by the City in its capital planning and that these are recommendations dependent on funding.

(3) Act in an advisory capacity to the Council and administration [MAKE INVESTIGATIONS] regarding [ANY] matters related to City harbor facilities, tide or submerged lands. Make recommendations to the Council and administration relative to the care, control, and development of tide and submerged lands. This change is recommended to reflect that the commission really doesn't have a budget or authority to independently carry out investigations, but instead its role is to advise and make recommendations to administration and the City Council.

(4) Review all City leases of City-owned tide[,] and submerged lands [, AND LANDS OR NAVIGABLE WATERS WITHIN THE CITY, AND AS TO THE PLANNED IMPROVEMENTS PROPOSED] and make recommendations to the City Council and administration. **These are just housekeeping changes**

(5) Provide information and recommendations as requested by the City Council. [MAKE AND PREPARE REPORTS AND PLANS FOR APPROVAL BY THE CITY COUNCIL **This change again reflects that the role of the Harbor Commission is to advise the Council, as opposed to independently acting.**

(6) COORDINATE PUBLIC EFFORTS, INDIVIDUAL AND GROUP, TO THE EFFECTUATION OF APPROVED PLANS.] **This language is recommended for removal as City Administration generally carries out plans approved by the Council as opposed to advisory bodies.**

[(6)] Advise and provide recommendations to the administration as requested on the qualifications for a Harbor Master. [SHALL ACT IN ADVISORY CAPACITY IN THE SELECTION OF A HARBOR MASTER SHOULD SUCH A POSITION BE CREATED BY THE CITY COUNCIL.] **Because this role is unique in current code to this Commission and the parks and Recreation it is the City Manager's preference that this be removed entirely, but with the new language the City manager is not strongly opposed to it.**

Chapter 1.90 STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES

Sections:

- 1.90.010** **Creation.**
- 1.90.020** **Duties.**
- 1.90.030** **Qualifications.**
- 1.90.040** **Terms.**
- 1.90.050** **Proceedings.**
- 1.90.060** **Specific requirements of boards, commissions and committees.**

1.90.010 **Creation.**

All boards, commissions and committees created by the Council of the City of Kenai, [SHALL] unless otherwise specified, will consist of seven [(7)] members who shall be nominated by the Mayor and confirmed by the City Council from applications submitted to the City Clerk. A chair and vice-chair shall be selected annually and shall be elected from and by the appointed members. At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, shall nominate Council Members as a council liaison to any board, commission or committee. After confirmation by Council, the council liaison may attend all meetings of the board, commission or committee. A council liaison is not a member of, and shall have no voting power or any other rights of membership on, the board, commission or committee. The Mayor and other Council Members may attend meetings of boards, commissions or committees when serving as an alternate for the Council liaison, or in their capacity as elected officials. City administrative staff shall attend and supply staff support to all meetings of boards, commissions and committees. **This change is just to reflect that the Council on Aging can have a different number of members.**

1.90.020 Duties.

- (a) Members of boards, commissions and committees shall be required to establish policies relating to their respective organization. They shall act in an advisory capacity to City Council and administration unless otherwise specified in the City Code. **This change reflects that commission advise administration and not just the City Council.**
- (b) If the board, commission or committee has income stated within the City of Kenai annual budget, said board, commission or committee shall work with the City Manager to establish expenses projected for the year for approval by the City Council.

1.90.030 Qualifications.

- (a) A member of a board, commission or committee must be a resident of the City of Kenai, unless the board, commission or committee is specifically exempted by Council from this requirement. The member cannot be an officer or employee of the City of Kenai. If any member should move his or her residence from the corporate limits of the City of Kenai (if applicable), is an officer or employee of the City of Kenai, or shall be elected or appointed as an officer or employee of the City of Kenai, the service of such member shall terminate immediately. He or she should be aware that he or she will serve without salary, but will be reimbursed for all reasonable expenses incurred in connection with this service, only after approval by Council.
- (b) The Beautification Committee, and Harbor, Library, and Parks and Recreation Commissions may at the discretion of the Council have up to two (2) non-resident members each.
- (c) The Planning and Zoning Commission may have up to one member that is not a resident of the City if they have a controlling ownership interest in a business physically located in the City. This provision specifically does not create a designated seat for a non-resident.

1.90.040 Terms.

- (a) A member of a board, commission or committee shall serve for a term of three (3) years, unless the board, commission or committee is specifically exempted by Council from this requirement. At renewal date, the Mayor, with consent of the Council, can reappoint the member or recommend a replacement.
- (b) The terms of the initial board, commission or committee member shall be staggered so that three (3) members will be appointed for one (1) year; two (2) members will be appointed for two (2) years; and two (2) members will be appointed for three (3) years. Terms shall commence on January 1st of each year.

1.90.050 Proceedings.

- (a) All boards, commissions and committees will have regularly scheduled meetings which shall be open to the public. Exceptions to the meeting requirements shall be established by Council. Permanent records or minutes shall be kept of all proceedings and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the City Clerk and shall be a public record open to inspection by any person. All acts of boards, commissions and committees are subject to the paramount authority of the City Council.

(b) If the commission, committee or board member shall be absent, without the body excusing the absence for good cause, from more than one-half of all the meetings of his or her committee, commission or board, regular and special, held within any period of three (3) consecutive calendar months, he or she shall thereupon cease to hold the seat. A commission, committee or board member may not have more than three (3) excused absences during a twelve (12) month calendar year.

(c) In all matters of parliamentary procedure, the most current edition of Robert's Rules of Order Newly Revised shall be applicable and govern all meetings, unless as specified in KMC [1.15.060](#), motions; KMC [1.15.100](#), speaking; and KMC [1.15.110](#), voting.

(d) The responsibility of insuring that all members of boards, commissions and committees receive a copy of the Standard Procedures of Boards, Commissions and Committees lies with the City Clerk.

1.90.060 Specific requirements of boards, commissions and committees.

Requirements of boards, commissions and committees as set forth in KMC [1.90](#) are general requirements and shall be followed to the extent that they do not conflict with specific requirements found in code sections specifically pertaining to individual boards, commissions and committees.

**KENAI HARBOR COMMISSION – REGULAR MEETING
FEBRUARY 12, 2024 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR LISA GABRIEL, PRESIDING**

ACTION MINUTES

A. CALL TO ORDER

A Regular Meeting of the Harbor Commission was held on February 12, 2024, in the Kenai City Council Chambers, Kenai, AK. Chair Gabriel called the meeting to order at approximately 6:00 p.m.

1. Pledge of Allegiance

Chair Gabriel led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Lisa Gabriel, Chair
David Peck
John Coston

Jeanne Reveal, Vice Chair
Matthew Moffis

A quorum was present.

Also in attendance were:

Scott Curtin, Public Works Director
Lisa List, Public Works Administrative Assistant
Victoria Askin, City Council Liaison
Terry Eubank, City Manager
Shellie Saner, City Clerk
Linda Mitchell, Planning Director

3. Agenda Approval

MOTION:

Commissioner Peck **MOVED** to approve the agenda as presented. Vice Chair Reveal **SECONDED** the motion.

VOTE: There being no objection; **SO ORDERED.**

B. SCHEDULED PUBLIC COMMENTS - None.

C. UNSCHEDULED PUBLIC COMMENTS - None.

D. APPROVAL OF MINUTES

1. November 6, 2023
2. January 8, 2024

MOTION:

Commissioner Peck **MOVED** to approve the November 6, 2023 and January 8, 2024 Harbor Commission minutes. Commissioner Reveal **SECONDED** the motion.

VOTE: There being no objection; **SO ORDERED.**

E. **UNFINISHED BUSINESS** – None.

F. **NEW BUSINESS**

1. **Discussion/Recommendation** - Recommending City Council Adoption of Proposed Amendments to KMC Chapter's 11.10 Harbor Commission and KMC 1.90 Standard Procedures for Boards, Commissions and Committees.

MOTION:

Commissioner Coston **MOVED** to recommend that the City Council adopt the proposed amendments to KMC Chapter 11.10 and Chapter 1.90 as provided in attachment A in the packet. Vice Chair Reveal **SECONDED** the motion.

City Manager Eubank and City Clerk Saner gave a staff report from information provided in the packet.

VOTE:

YEA: Gabriel, Reveal, Peck, Moffis, Coston

NAY: None

MOTION PASSED UNANIMOUSLY.

2. **Discussion/Recommendation** - Recommending City Council Enact Ordinance 3391-2024 - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use.

MOTION:

Vice Chair Reveal **MOVED** to recommend City Council enactment of Ordinance No. 3391-2024. Commissioner Peck **SECONDED** the motion.

Commissioner Moffis declared a possible conflict of interest, stating that he owns property in the area affected. Chair Gabriel ruled that there was a conflict, and recused Commissioner Moffis from deliberation and voting.

Commissioner Costin declared that he serves on both the Harbor Commission and Planning & Zoning Commission, but that his vote this evening would be in regards to how this item relates to his role as a member of the Harbor Commission.

Planning Director Mitchell gave a staff report from information provided in the packet.

VOTE:

YEA: Gabriel, Reveal, Peck, Moffis, Coston.

NAY: None.

MOTION PASSED UNANIMOUSLY.

3. **Discussion/Recommendation** - Recommending City Council Enact Ordinance 3392-2024 - Amending the Kenai Zoning Code to Add a New Zoning District, Working Waterfront (WW) and Amending the Official Zoning Map for Certain Parcels from Heavy Industrial (IH) to Working Waterfront (WW) or Conservation (C) Zoning District.

MOTION:

Commissioner Peck **MOVED** to recommend City Council enactment of Ordinance No. 3392-2024. Vice Chair Reveal **SECONDED** the motion.

Commissioner Moffis declared a possible conflict of interest, stating that he owns property in the area affected. Chair Gabriel ruled that there was a conflict, and recused Commissioner Moffis from deliberation and voting.

Commissioner Costin declared that he serves on both the Harbor Commission and Planning & Zoning Commission, but that his vote this evening would be in regards to how this item relates to his role as a member of the Harbor Commission.

Planning Director Mitchell gave a staff report from information provided in the packet.

UNANIMOUS CONSENT was requested on the motion.

VOTE: There being no objection; **SO ORDERED.**

G. REPORTS

1. Public Works Director – Director Curtin reported on the following:
 - The US Army Corps of Engineers has awarded a contract for the Kenai Bluff Bank Stabilization Project to Western Marine Construction Inc.
2. Commission Chair – Chair Gabriel thanked staff.
3. City Council Liaison – Council Member Askin reported on recent City Council actions.

H. ADDITIONAL PUBLIC COMMENTS – None.

I. NEXT MEETING ATTENDANCE NOTIFICATION – March 11, 2024

J. COMMISSION QUESTIONS AND COMMENTS

Commissioner Coston thanked staff for the proposed code modifications.

Commissioner Peck thanked staff for the presentations.

Commissioner Moffis thanked staff.

K. ADJOURNMENT

L. INFORMATIONAL ITEMS – None.

There being no further business before the Harbor Commission, the meeting was adjourned at 6:18 p.m.

I certify the above represents accurate minutes of the Harbor Commission meeting of February 12, 2024.

Meghan Thibodeau
Deputy City Clerk



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Harbor Members

FROM: Scott Bloom, City Attorney

DATE: April 29, 2024

SUBJECT: **Ordinance No. 3417-2024 – An Ordinance Increasing Estimated Revenues and Appropriations by \$12,600 in the General Fund for the Purchase of Approximately 7.8 Acres of Real Property Described as Tract B, Kenai Bluff Stabilization Subdivision from David W. Salter to be Retained by the City for a Public Purpose and Determining that the Public Interest Will Not be Served by an Appraisal.**

Among the Harbor Commission's duties as provided in KMC 11.10.010 is to make recommendations to the City Council regarding the care and control of tide and submerged lands. This proposed Ordinance provides financing and authority for the purchase of a parcel on the North Beach in Kenai that goes from the mean high landward. It would be appropriate for the Harbor Commission to make a motion to recommend the City Council approve the Ordinance, amend the Ordinance, or if the Commission is not in favor of the purchase of the property, fail to recommend approval after a motion has been made and clearly state the reason why. Additional information regarding the property and proposed purchase can be found in the attached memorandum from the City Planner to the Council and the Ordinance itself.



KENAI

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MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Linda Mitchell, Planning Director

DATE: April 24, 2024

SUBJECT: **Ordinance No. 3417-2024 – An Ordinance Increasing Estimated Revenues and Appropriations By \$12,600 In The General Fund For The Purchase Of Approximately 7.8 Acres Of Real Property Described As Tract B, Kenai Bluff Stabilization Subdivision From David W. Salter To Be Retained By The City For A Public Purpose And Determining That The Public Interest Will Not Be Served By An Appraisal.**

The proposed Ordinance increases appropriations in the general fund to purchase the real property described as Tract B, Kenai Bluff Stabilization Subdivision, filed under Plat No. 2021-32 in the Kenai Recording District, Third Judicial District, State of Alaska. The subject property is approximately 7.8 acres and has a zoning designation of Conservation (C).

The subject parcel is located along the Kenai River bluff, west of the City's Wastewater Treatment Plant. The adopted Land Management Plan has recommendations to retain parcels for management and future expansion (if needed) of the Wastewater Treatment Plan, protection of drainages and marine wetlands, and management of community beachfront on Kenai North Beach and the Personal Use Fishery. The acquisition of the subject parcel is in alignment with the recommendation.

The total purchase price is \$12,000 with estimated closing costs not to exceed \$600. The terms and conditions of the land acquisition includes an executed maintenance easement for sea walls constructed by private parties.

Pursuant to Kenai Municipal Code 22.05.135 (a), the City may acquire property needed for a public purpose on such terms and conditions as the Council shall determine provided that no purchase shall be made until a qualified independent appraiser has appraised the property and given the Council an opinion as to the fair market value of the land unless the Council, upon resolution so finding, determines that the best interest of the City will not be served by an appraisal. An appraisal does not serve the public interest as the purchase price is reasonable, consistent with other similar property purchases, and an appraisal would add an unnecessary cost to the transaction.

At the upcoming May 6, 2024 Harbor Commission Regular Meeting, the Commission will provide their recommendation on the enactment of this Ordinance.

It is in the best interest of the City to acquire the property for the public purpose of protection of marine wetlands, bluff stabilization, and management of the community beachfront on Kenai North Beach and the Personal Use Fishery for a purchase price of \$12,000 plus an estimated \$600 of estimated closing costs and without a recent appraisal.

Thank you for your consideration.

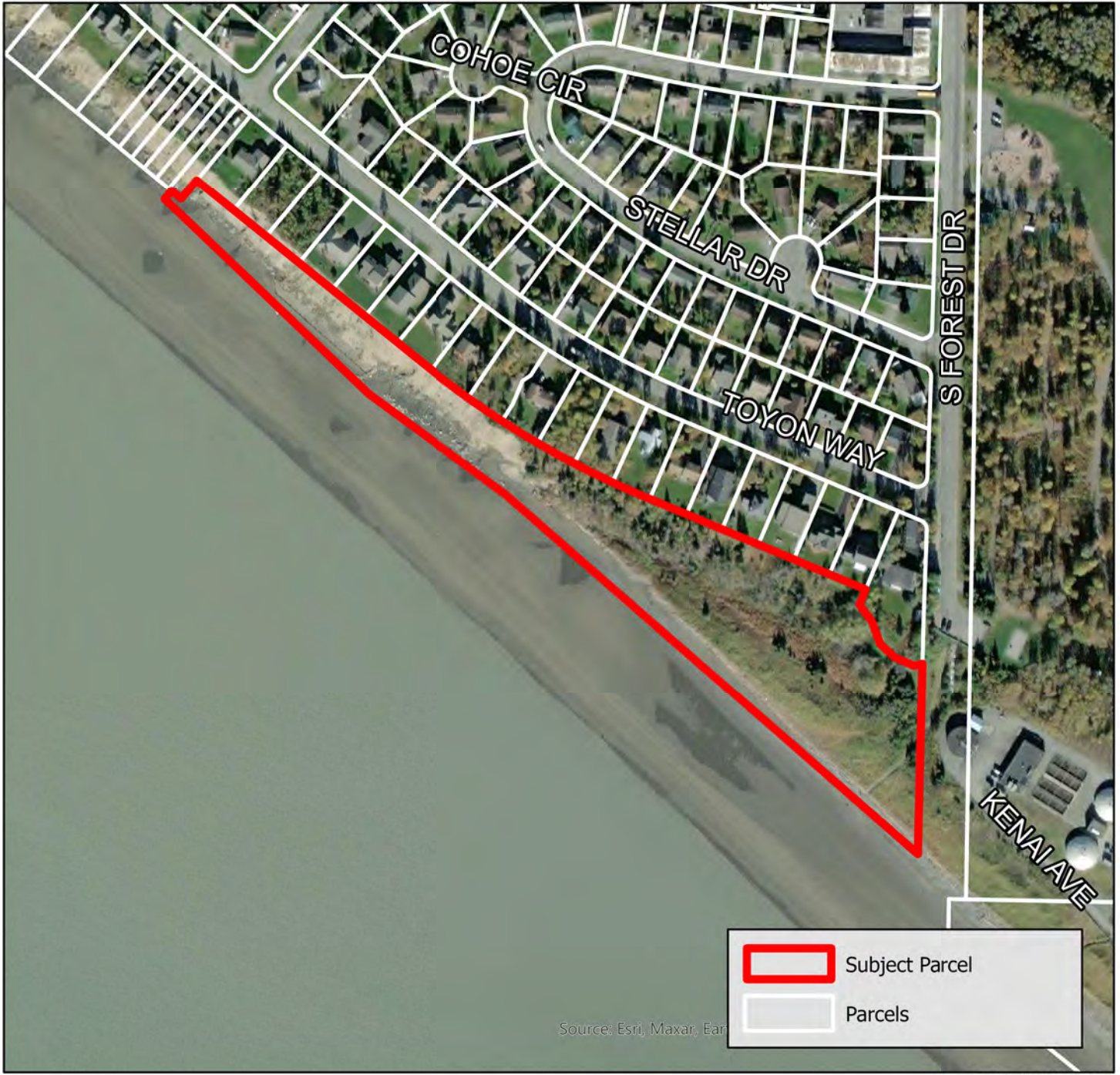
Attachment

Aerial Map



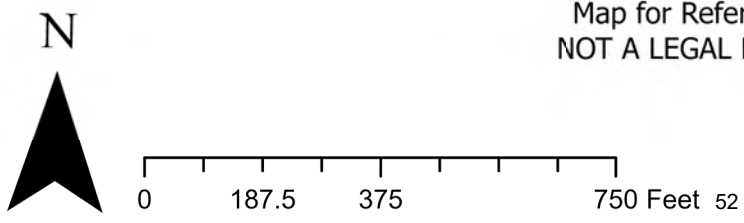


Ordinance No. 3417-2024
Land Acquisition
Tract B, Kenai Bluff Stabilization Subd.
Approximately 7.8 acres



Date Printed: 4/24/2024

Map for Reference Only
NOT A LEGAL DOCUMENT





**CITY OF KENAI
ORDINANCE NO. 3417-2024**

AN ORDINANCE INCREASING ESTIMATED REVENUES AND APPROPRIATIONS BY \$12,600 IN THE GENERAL FUND FOR THE PURCHASE OF APPROXIMATELY 7.8 ACRES OF REAL PROPERTY DESCRIBED AS TRACT B, KENAI BLUFF STABILIZATION SUBDIVISION FROM DAVID W. SALTER TO BE RETAINED BY THE CITY FOR A PUBLIC PURPOSE AND DETERMINING THAT THE PUBLIC INTEREST WILL NOT BE SERVED BY AN APPRAISAL.

WHEREAS, the subject real property to be purchased through approval of this Ordinance is described as Tract B, Kenai Bluff Stabilization Subdivision, filed under Plat No. 2021-32 in the Kenai Recording District; and,

WHEREAS, the subject property consists of a long rectangular tract covering lands from the top of the Kenai bluff to the Kenai beach, which are tidally influenced and not suitable for development; and,

WHEREAS, the owner, David W. Salter, desires to sell the subject property to the City upon terms and conditions, which include an executed maintenance easement on adjacent lots with sea walls constructed by private parties on the subject property; and,

WHEREAS, the total purchase price for the subject property containing approximately 7.8 acres is \$12,000 with estimated closing costs not to exceed \$600; and,

WHEREAS, the City works cooperatively with State of Alaska agencies to manage the Personal Use Fishery on its beaches, which includes providing beach access, beach maintenance, and managing issues such as litter, trespassing on adjacent private property, destruction of vegetated areas, fish waste on the beach, and public life and safety issues; and,

WHEREAS, pursuant to Kenai Municipal Code 22.05.135 (a), the City may acquire property needed for a public purpose on such terms and conditions as the Council shall determine provided that no purchase shall be made until a qualified independent appraiser has appraised the property and given the Council an opinion as to the fair market value of the land unless the Council, determines that the best interest of the City will not be served by an appraisal; and,

WHEREAS, an appraisal does not serve the public interest for the subject property as the purchase price is reasonable, consistent with other similar property purchases, and an appraisal would add an unnecessary cost to the transaction; and,

WHEREAS, at its meeting on May 6, 2024 the Harbor Commission recommended _____ of this Ordinance; and,

WHEREAS, the City Council finds that it is in the best interest of the City to acquire the property for the public purpose of protection of marine wetlands, bluff stabilization, and management of the community beachfront on Kenai North Beach and the Personal Use Fishery for a purchase price of \$12,000 plus an estimated \$600 of estimated closing costs and without a recent appraisal.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. That the City Manager is authorized to purchase approximately 7.8 acres of real property described as Tract B, Kenai Bluff Stabilization Subdivision from David W. Salter to be retained by the City for a public purpose for a total purchase price of \$12,000 on a form approved by the City Attorney.

Section 2. That the City Council finds that an appraisal does not serve the public interest for the subject property as the purchase price is reasonable, consistent with other similar property purchases, and an appraisal would add an unnecessary cost to the transaction.

Section 3. That the City Council further finds the acquisition of the subject parcel to be in the best interests of the citizens of the City of Kenai and that the public interest shall be served by its acquisition for the total costs including estimated closing costs of \$12,600.

Section 4. That estimated revenues and appropriations are increased as follows:

General Fund:

Increase revenues –	
Appropriation of Fund Balance	<u>\$12,600</u>
Increase expenditures –	
Land Administration – Land	<u>\$12,600</u>

Section 5. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 6. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 15TH DAY OF MAY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: DS

Introduced:	May 1, 2024
Enacted:	May 15, 2024
Effective:	May 15, 2024



Kenai City Council - Regular Meeting

April 03, 2024 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic/Virtual Information on Page 3****

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. SCHEDULED ADMINISTRATIVE REPORTS

1. Classification and Compensation Report, Malayna Halvorson Maes, Senior Consultant for McGrath Human Resources Group and Stephanie Randall, Human Resource Director.

C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)

1. Alaska Christian College Update, Dr. Keith Hamilton, President of Alaska Christian College

D. UNSCHEDULED PUBLIC COMMENTS (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3404-2024** - Increasing Estimated Revenues and Appropriations in the Airport Fund to Provide Supplemental Funding for 100 Low Lead Float Plane Basin Fuel. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3405-2024** - Increasing Estimated Revenues and Appropriations in the Congregate Housing Fund for Costs Above Budgeted Amounts. (Administration)
3. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3406-2024** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvement Capital Project Funds and Authorizing a Final Adjusting Contract Amendment to the Professional Services Agreement with HDL Engineering for Construction Administration Services for the 2020 Kenai Municipal Airport Sand Storage Facility Project. (Administration)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2024-13** - Authorizing a Contract Award and Corresponding Purchase Order for Library Materials. (Administration)

F. MINUTES

1. *Regular Meeting of March 20, 2024. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Consent to Assignment and Assignment and Assumption of Lease Agreement, of Lot 1, Block 5, General Aviation Apron No. 1 Amended. (Administration)
3. ***Ordinance No. 3407-2024** - Accepting and Appropriating a Volunteer Fire Assistance Grant from the United States Department of Agriculture Forest Service Passed through the State of Alaska Division of Forestry for the Purchase of Forestry Firefighting Equipment. (Administration)
4. ***Ordinance No. 3408-2024** - Accepting and Appropriating a State of Alaska Code Blue Fiscal Year 2025 Grant Passed through the Southern Region EMS Council, Inc. to Purchase Two Video Laryngoscopes. (Administration)
5. **APPROVED UNANIMOUSLY. Action/Approval** - Authorizing the City Manager to Request a Community Purpose Exemption to Donate Sand for the Construction of the Triumvirate Theatre. (Administration)
6. **BUDGET WORK SESSION SCHEDULED FOR MAY 4, 2024 AT 9:00 AM. Discussion** - Scheduling a Budget Work Session. (Administration)

I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee

J. REPORT OF THE MAYOR

1. Proclamation Declaring April 2024 as "Sexual Assault Awareness Month"

K. ADMINISTRATION REPORTS

1. City Manager
2. City Attorney
3. City Clerk

L. ADDITIONAL PUBLIC COMMENTS

1. Citizens Comments (*Public comments limited to five (5) minutes per speaker*)
2. Council Comments

M. EXECUTIVE SESSION

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.

Registration is required to join the meeting remotely through Zoom. Please use the link below to register:

https://us02web.zoom.us/meeting/register/tZlqf-6urDsuGtcrLj_-7mookvFoJQa5le7v



Kenai City Council - Regular Meeting

April 17, 2024 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic/Virtual Information on Page 3****

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

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B. SCHEDULED ADMINISTRATIVE REPORTS

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D. UNSCHEDULED PUBLIC COMMENTS (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3407-2024** - Accepting and Appropriating a Volunteer Fire Assistance Grant from the United States Department of Agriculture Forest Service Passed through the State of Alaska Division of Forestry for the Purchase of Forestry Firefighting Equipment. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3408-2024** - Accepting and Appropriating a State of Alaska Code Blue Fiscal Year 2025 Grant Passed through the Southern Region EMS Council, Inc. to Purchase Two Video Laryngoscopes. (Administration)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2024-14** - Authorizing a Contract Award and Corresponding Purchase Order for Professional Architectural and Engineering Services for the Water Treatment Plant Pumphouse Project. (Administration)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2024-15** - Approving Amendments to the Agreement for Contract Services for Vintage Pointe Manor Congregate Housing. (Administration)

F. MINUTES

1. *Regular Meeting of April 3, 2024. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. **APPROVED UNANIMOUSLY BY SUBSTITUTE. *Action/Approval** - Special Use Permit to Jeremy Mastre, DBA: River Rock Outdoors, LLC for Commercial Operations at the Kenai Municipal Airport Float Plane Basin. (Administration)
4. ***Ordinance No. 3409-2024** - Increasing Estimated Revenues and Appropriations in the General Fund - Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association for the Purchase of a Ballistic Vest. (Administration)
5. ***Ordinance No. 3410-2024** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)
6. ***Ordinance No. 3411-2024** - Amending Kenai Municipal Code 13.10.015 - Minor Offense Fine Schedule, to Increase the Paid Parking Fine and Make Housekeeping Changes. (Administration)
7. **APPROVED UNANIMOUSLY AS AMENDED. Action/Approval** - Authorizing a Letter of Support for House Bill 173 to Raise the Threshold for Municipal Contracts Qualifying for Little Davis Bacon Act. (Administration)

I. COMMISSION / COMMITTEE REPORTS

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